DOCUMENT RESUME

ED 245 469 EC 162 748

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TITLE Policies Which Address Out-of-District Placements and Assure Education in the Least Restrictive Environment. A Report of the Handicapped Public Policy Analysis Project. Volume 3.
INSTITUTION Center for the Study of Social Policy, Washington, DC.
SPONS AGENCY Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE Oct 83
CONTRACT 300-82-0829
NOTE 216p.; For Volumes 1-4, see EC 162 746-749.
PUB TYPE Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC09 Plus Postage.
DESCRIPTORS Deinstitutionalization (of Disabled); *Disabilities; Elementary Secondary Education; *Mainstreaming; State Programs; *Student Placement
IDENTIFIERS *Out of District Placements

ABSTRACT

The study examines the status of providing services to children in out-of-district placements and the implementation of the least restrictive environment mandate for handicapped children. Part I reviews the statutory mandate for least restrictive placement and notes policy problems associated with the effort. Part II identifies state policies to reduce out-of-district placements (Connecticut and Maryland), assure education in the least restrictive environment (Louisiana, Florida, and California), and promote deinstitutionalization (Colorado). Local policies to promote education in the least restrictive environment are noted, including development of new less restrictive alternatives, improvement of placement decisions, change in attitudes toward the education of handicapped children, and achievement of an overall strategy for least restrictive environment. Descriptions of state and local efforts are appended. (CL)

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VOLUME 3:

POLICIES WHICH ADDRESS OUT-OF-DISTRICT PLACEMENTS AND ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

by
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A Report of

The Handicapped Public Policy Analysis Project

(Contract #300-82-0829)

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October 1983

EC163718

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Preface

The Education for All Handicapped Children Act, Public Law 94-142, was enacted in 1975. The statute requires that a "free appropriate public education" be available to all handicapped children (age 3 through 21) in the United States, regardless of the severity of their handicap unless services to children aged 3-5 or 18-21 would be inconsistent with state legislation. The law also mandates that State Education Agencies (SEAs) and Local Education Agencies (LEAs) develop special education and related services to meet these children's unique needs. In tandem with Section 504 of the Rehabilitation Act, as amended, this law has had, and continues to have, a profound impact on, not only handicapped children and their families, but also the entire public education system.

Implementation of P.L. 94-142 has proven difficult in many respects. While the law mandated major new responsibilities to state and local education agencies, it did not provide detailed federal guidance nor full financing to carry out these responsibilities. As a result, state and local education agencies have had to develop a wide range of new policies to implement the law. In so doing, they have confronted problems and controversies ranging from the consequences of shrinking human service resources and the debate over the rights of handicapped persons, to professional disagreements about the most effective settings in which to educate handicapped children.

Recognizing the importance of providing states with technical assistance to implement P.L. 94-142, Special Education Programs (SEP) of the U.S. Department of Education (formerly the Office of Special Education) awarded a contract to the Center for the Study of Social Policy (CSSP) to (1) identify effective policies used by state and local education agencies that serve handicapped children; and (2) disseminate information about these strategies to federal, state, and local decision-makers.

In conducting this project, the Center analyzed state and local policies in five areas of implementation:

- Interagency collaboration;
- Provision of related services;
- Provision of services to handicapped students in out-of-district placements;
- Implementation of the least restrictive environment mandate; and
- State monitoring and compliance activities.

The project design proceeded from a broad overview of policies and implementation strategies developed by states and local districts, through successive stages of data collection. A telephone survey was conducted in all 50 states; follow-up site visits were made to 18 states; and over 400 LEAs recommended as having effective policies were surveyed, with approximately 60 follow-up telephone interviews and field visits to some 35 LEAs.

From these data collection efforts, the project has produced four reports:

Volume 1: Effective State Policies to Promote Interagency Collaboration. The first volume sets forth a perspective on interagency collaboration which applies not only to this volume of the report, but to the other three volumes as well. This volume also reviews the use of state interagency committees, interagency agreements, and other collaborative efforts designed to (1) define responsibilities for services to children in residential facilities; (2) promote local interagency collaboration; (3) assign service delivery and financial responsibilities among state agencies; and (4) share information across agencies.

Volume 2: Effective Policies in the Provision of Related Services. This report documents effective state and local policies in providing related services to handicapped children. The areas reviewed here include those state policies which clarify education agencies' responsibilities, and those which increase the resources available for related services by securing other state agencies' cooperation. This volume also examines local policies which (1) obtain resources from other human service agencies, (2) pool resources to increase the availability of services, and (3) seek to develop new programs for specific population groups such as emotionally disturbed students.

Volume 3: Policies Which Address Out-of-District Placements and Assure Education in the Least Restrictive Environment. This volume examines two important policy areas: the provision of services to children in out-of-district placements and the implementation of the least restrictive environment mandate. State policies are analyzed which help SEAs influence local placement decisions, as well as others which transfer responsibility back to the LEAs for institutionalized handicapped students. This volume also examines local policies which utilize the resources of other human service agencies to implement the LRE mandate. These policies include those through which LEAs develop new programs to enable students to remain in local public schools; others that reflect LEA procedures to allow greater control over placement decisions, and still others that seek to change attitudes about integrating handicapped and non-handicapped students.

Volume 4: Effective State Monitoring Policies. The final volume examines two policy areas. The first focuses on SEA policies that seek to evaluate program quality as well as perform compliance monitoring. The second examines alternative strategies used by SEAs to effectively monitor education programs administered by other state human service agencies.

Support for this work was provided by Special Education Programs, the U.S. Department of Education, under Contract #300-80-0829. Full responsibility for the accuracy of its findings and conclusions rests with the Center for the Study of Social Policy. However, many thanks are due to the officials of state and local education agencies and other human service agencies who gave their time to discuss their programs and provide the information upon which the projects' reports are based. In addition, staff of the Center would like to extend particular thanks to several people whose efforts contributed to these reports. Ray Smiches, the study's initial contract officer at the U.S. Department of Education, helped define the scope of the study and contributed to its work throughout. David Rostetter and Jaddis Franklin, the subsequent contract officers, made numerous improvements in the style and content of the reports. Dr. Kenneth Olsen and Ethel Bright from the Mid-South Regional Resource Center, the University of Kentucky, generously shared their own work, assisted in the Center's data coliection efforts, and worked collaboratively in the preparation of the related services volume. Dick Galloway and Beverly Osteen of the National Association of State Directors of Special Education also assisted Center staff in all phases of the project's work.

VOLUME 3

POLICIES WHICH ADDRESS OUT-OF-DISTRICT PLACEMENTS AND ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

EXECUTIVE SUMMARY

A major goal of P.L. 94-142, the Education for all Handicapped Children's Act, is for handicapped children to receive, commensurate with their needs, special education and related services in the "least restrictive environment" (LRE). This goal is central to the federal law and has had a profound effect on the educational opportunities provided to children with handicapping conditions.

This report examines policies which state education agencies (SEAs) and local education agencies (LEAs) have instituted to assure that the principle of LRE is incorporated within school districts' programs. Special attention is given to policies that address out-of-district placements because this is one of the most controversial issues with which SEAs and LEAs have grappled as they seek to assure LRE.

I. THE MANDATE TO SERVE CHILDREN IN THE LEAST RESTRICTIVE ENVIRONMENT

P.L. 94-142 requires state and local education agencies to establish procedures to insure that, to the maximum extent possible, handicapped children are offered academic, non-academic, and extra-curricular services in conjunction with non-handicapped children. The two central factors in determining whether LRE has been attained are: an educational program's physical proximity to both the regular educational

environment and a child's home; and the degree of opportunity handicapped children are given to interact with non-handicapped children.

However, despite the law's clarity in establishing the least restrictive environment as a central principle of special education programs, no equivalent clarity exists with regard to implementation. The resulting confusions and disagreements have prompted numerous court rulings, but these, too, because of contradictory opinions, offer SEAs and LEAs no consensus about what each should do. For instance, while some decisions have upheld the literal meaning of the LRE mandate -- and thereby rule against placing individual students in special schools, homebound programs, and other segregated programs -- other decisions have recognized that intervening variables may constrain unilateral judgements against segregated facilities. One such decision states that the LRE provision is not an "absolute duty", but rather, a "preference".

The absence of definitive policy directions has left SEA and LEA officials with many problems in interpreting and implementing the LRE mandate. These problems stem from the following sources:

- The procedural emphasis of the LRE mandate: P.L. 94-142 addresses the procedural aspects of the law, rather than the criteria to judge whether the result of the placement process actually complies with the LRE mandate. Thus, while the law addresses the conditions in which appropriate decisions are to be made, it does not provide criteria by which to judge outcomes.

- The difficulty of establishing policies that recognize the subjective nature of judgements about LRE: Because of the nature of the factors that contribute to the final placement decision, a great deal of discretion is inevitable. While the subjective nature of this decision may ensure a better match between a student's need and the educational program, it also makes it extremely difficult to establish policy guidelines applicable to all handicapped students. State and local policies thus mirror federal policies: both are general in nature, focusing largely on procedural issues.

- The difficulty of altering long-standing patterns of care for handicapped children: P.L. 94-142's LRE mandate encountered resistance from many sources, including operators of private facilities, employees of public institutions, parents satisfied with their children's residential care, and public school staff who did not want to accept students who had been institutionalized. Such opposition came from, not only education, but also other service providers in fields such as mental retardation, mental health, developmental disabilities, child welfare, and juvenile justice.

- The necessity of facing resource constraints which limit many districts' ability to create a full range of program opportunities: In most instances, school districts were able to allocate more special education funds in order to absorb the new costs created by the LRE mandate. However, certain districts -- especially rural districts and those serving children needing specialized and continuing care -- experienced budgetary problems for which some were unable to find affordable solutions.

- Having to trade-off the needs of handicapped and non-handicapped children: While rarely cited by administrators, this trade-off problem can be quite serious when viewed as a resource question. Both current and projected budget constraints and falling tax bases may leave districts with the tough financial decision of determining to what groups resources should be allocated: handicapped or non-handicapped children.

State and local education agencies have had to face these problems, and in so doing, they have developed policy approaches

that have brought many of them closer to the goal of educating children in settings that meet the LRE provisions of federal and state law.

II. STATE POLICIES TO REDUCE OUT-OF-DISTRICT PLACEMENTS AND ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

SEAs have the broad resporsibility of promoting LRE statewide as part of their general supervision responsibilities and insuring that, even in more restrictive settings, education is of high quality and children are receiving all the procedural protections due them under federal law. In accomplishing their mandate, most SEAs have confronted the problem that, except in rare instances, they do not have direct supervision of the education of handicapped children: children with handicapping conditions are educated by LEAs or IEUs (intermediate education units), or by other human service agencies. In addition, an SEA's ability to issue specific, as opposed to general, policies to implement the LRE mandate varies from state to state according to the strength of the SEA, its relation to local districts, each state's historical pattern of care for handicapped children, and the way each state interprets LRE.

Despite wide variation in SEA policies addressing LRE, most are directed toward one of the following three goals: influencing the process by which handicapped children are placed out of district; gaining greater control over the educational programs of children placed in state institutions; and participating in efforts to deinstitutionalize handicapped

children. To accomplish these goals, SEAs have developed a number of strategies. Some established new rules to redefine both the state and local education agencies' roles and to create a new organizational and legal framework to implement and enforce P.L. 94-142. Other SEAs have developed inter-agency approaches which, like the other strategies just mentioned, expand the role state education agencies traditionally have been assigned. The following descriptions summarize the activities several states have undertaken to meet these three goals.

Some SEA's have developed policies that influence the placement of handicapped children out-of-district: Connecticut and Maryland SEAs have attempted to control out-of-distict placements by reviewing LEA recommendations for such actions.

- By exercising approval and disapproval authority for all reimbursement for out-of-district placements, Connecticut's Department of Education tries to ensure that local districts have exhausted all available resources within the district and among neighboring districts before recommending placement in any private out-of-district facilities.

- Maryland set up an Admissions, Review and Dismissal (ARD) process to coordinate the placement decisions of multiple state agencies and to assure that these decisions yield the most appropriate care for handicapped children. This process is essentially an inter-agency activity which recognizes that appropriate placements are best guaranteed by bringing a wide range of expertise to bear on the placement decision.

Other SEA's have focused on policies designed to ensure an appropriate education in the least restrictive environment for

children in state institututions. In attempting to insure LRE for children in state institutions, SEAs have had to both create educational programs where there had been few, if any, as well as assert control over educational programs administered by other state agencies. SEAs devised different strategies to accomplish this task, which was often fraught with political and programmatic difficulties. Three examples illustrate the diverse approaches taken:

- Louisiana developed a special school district: This strategy made state institutions' educational programs the equivalent of any other school district in the state, subject to all P.L. 94-142 provisions as well as to the state's special education statute. The goals were to centralize educational programming authority, improve the provision of services to handicapped children, ensure compliance with the federal law, and expand P.L. 94-142's mandate into other agencies' programming, thereby forcing LRE to become a key consideration.

- Florida transferred responsibility to its LEAs for the education programs in its institutional facilities: The State Department of Education was a primary advocate for transferring responsibility for the education of mentally retarded and developmentally disabled children and other handicapped children in state facilities to local school districts. This transfer changed the historical pattern of providing educational services to these children, improved the quality of care they received, and increased the resources available for their education. It also reinforced the education of children in less restrictive settings by reducing the LEA's ability to give responsibility for a child to the state.

- California's Department of Education and its Youth Authority (CYA) worked together to improve the quality of special education services for children under CYA's supervision: This was done in order to improve program alternatives, insure compliance with P.L. 94-142, and encourage the CYA to accept responsibility for program quality. The agencies signed an interagency agreement that defined each

agency's responsibilities. In addition, each of CYA's ten technical schools was given intensive technical assistance. A policy manual was developed that made explicit CYA's commitment to both the goals and procedural safeguards of P.L. 94-142 and the state's Master Plan for Special Education. As a result of this agreement, CYA's educational programs improved in quality; most facilities made substantial gains in expanding handicapped student's educational opportunities.

In order to ensure LRE, other SEA's have opted for the strategy of participating in broad-based deinstitutionalization efforts with other state agencies.

- The state of Colorado initiated such a joint venture which, like Connecticut's and Maryland's policies, attempts to assure that all agencies that place handicapped children will have full knowledge of available resources and will assess carefully children's needs. More specifically, Colorado's legislature passed a bill that, through financial incentives, encouraged local and state agencies -- especially the Department of Social Services -- to develop community alternatives to facilitate children remaining in, or returning to, their home. These local level program options explicitly legitimize the principle of LRE and serve the purpose of this legislation: to reduce out-of-home placements so that children could be served in less restrictive settings and halt the rapidly escalating costs of serving children in residential facilities. Simultaneously, the SEA and the Department of Social Services developed an interagency agreement that established parameters for joint placement, funding, and monitoring of all handicapped students residing in residential facilities. As a result of these two initiatives, placements in residential institutions have declined.

III. LOCAL POLICIES TO PROMOTE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

Like SEAs, LEAs have found the LRE mandate to be quite complex. Those LEAs having the most success in achieving LRE have pursued broad-based strategies that both draw on a wide

range of resources and infuse the entire school district with LRE principles. In order to develop this overall policy, LEAs have undertaken the following courses of action: (1) made the policy and political decisions necessary to achieve education in the least restrictive environment; (2) developed a wide range of less restrictive alternatives; (3) improved placement decisions and review procedures; and (4) attempted to change attitudes about the education of handicapped children in relation to non-handicapped children.

LEAs that promoted services in the least restrictive environment rarely "drifted" into this activity. Instead, they made explicit policy and political decisions to achieve LRE, especially to serve severely handicapped students who, prior to P.L. 94-142, were rarely served by local school districts. This commitment has proven most effective when it was established firmly and negotiated early with all parties involved. School districts in East Central Illinois and Gwinnett County, Georgia, illustrate this unambiguous policy direction as well as the crucial roles played by new personnel, the importance of school board support, and the need to address the cost implications of LRE policies.

- School district officials in East Central Illinois believed that severely and multiply handicapped children, most of whom were being served in private rather than public schools, were not being served in the least restrictive environment. Care for these children did not comply with the federal mandate and did not reflect school officials' beliefs that they should assume responsibility for this population. These officials remedied this situation by bringing all these children into the schools in one school year and establishing the

East Central Cooperative Program. The program proved successful in accommodating the children, resulting in developmental gains for the children according to school officials as well as parent satisfaction.

- The Gwinnett County School District (in Georgia) also committed themselves strongly to educating all handicapped children in the least restrictive environment. District officials realized that the care these children were receiving, primarily in several public facilities, needed to be redirected so that the public schools would become responsible. Under the guidance of a new Special Education director, administrators brought these children into the school system's new program for severely handicapped children and also moved children into regular classrooms whenever possible.

Other LEAs have had to develop new, less restrictive alternatives to comply with the federal mandate. The crucial task here has been to ensure that LEA resources are adequate to the needs of their desired programs. Districts have attempted to maximize resources through strategies such as developing cooperative programs with other districts, administering programs cooperatively with other human service agencies, and extending certain forms of educational programming to children traditionally excluded from these services.

School districts in Southern Penobscot County, Maine, and Tillamook County, Oregon, developed strategies for collaborative programming that acknowledge local preferences and capacities and the need for supervisory involvement. Collaboration is a particularly necessary tactic for rural districts with a low incidence of severe handicaps. When jurisdictional issues can be resolved, this arrangement allows

districts to expand educational opportunities while spreading costs, and has resulted in less restrictive educational opportunities for severely handicapped and emotionally disturbed children.

- Eleven school districts in Southern Penobscot County, Maine formed a regional program with an LEA-like structure to bring into the public schools moderately and severely handicapped students. Previously, these children had attended private or state-operated facilities and resided in, not one, but many districts. The superintendents developed this program because of a number of problems. For instance, private schools refused to serve many of the children referred to them; many handicapped children were not being returned to the public school setting; and when some did return, they had difficulty adapting to the public school setting.

  Southern Penobscot's program is actually a number of regional programs, each of which charges tuition that is allocated to districts in proportion to the number of students enrolled. This program has resulted in a number of changes: students have been brought back into the public schools; superintendents have been drawn more closely into special education programs and have enhanced their knowledge of handicapped children; and while costs often exceed that of private facilities, children are better served. This program has proven so successful that other regions within the state have duplicated it.

- School districts in Tillamook County, Oregon developed a collaborative program to solve jurisdictional problems. Worried about their ability to deal with paper work demands and provide services to low incidence handicapped children, superintendents formed a consortium through the Educational Service District to minimize administrative burdens in each district and ensure compliance with the federal law. This consortium brought children back from state training schools to programs in the district; developed new programs that, altogether, offered a comprehensive continuum of services to handicapped students; and encouraged districts to serve more severely handicapped children.

Many school districts, especially larger ones, have opted for approaches other than district collaboration. These, usually urban, districts are administering programs cooperatively with other human service agencies, a strategy that allows them access to other programs without having to bear total costs. Miami's Unified School District chose this approach because it would avoid their duplicating another agency's staff, achieve cost savings, complement classroom programming, and help achieve the LRE mandate.

- The Miami Unified School District entered into a series of agreements with private agencies in the community to provide a wide range of services to seriously emotionally disturbed (SED) children. These new arrangements led to the development of entirely new programs that were collaboratively designed, financed, and administered by the school district and mental health agencies. One of these programs provided an integrated day program for SED children. Another consolidated a special assessment and planning function for SED children, as well as an ongoing education program. These programs are designed to complement regular classroom programming and minimize SED students' segregation from regular classrooms.

A third strategy that school districts use to integrate handicapped children into school districts is extending certain forms of educational programming to children who traditionally have been excluded from these services. This strategy increases non-handicapped childrens' interaction with handicapped children. It has been used by vocational education facilities such as the Cape Cod Regional Technical High School in Massachusetts and the Moore-Norman Vocational program in Oklahoma. The activities of both these schools

suggest that progress in achieving LRE can be made by serving handicapped and non-handicapped children together in areas other than the regular academic classroom.

- The Cape Cod Regional Technical High School Program has expanded its services to handicapped youth under a grant from the Massachusetts SEA which they have now replaced with local funds. Handicapped students are now offered a range of vocational options within a flexible environment which permits a smooth transition between regular and special settings.

- Moore-Norman Vocational Technical School has integrated handicapped children into regular vocational classes after careful assessment and IEP development by special education and vocational education staff. Moore-Norman also has developed a "learning skills center" to support handicapped and non-handicapped children's academic programs, an instructional service center with special vocational curriculum modules, and an open entrance and exit policy so that students enrollments' and graduations reflect individual capacities. Along with high school students, Moore-Norman serves older students, many of whom are handicapped. Due to these and other initiatives, vocational programming at Moore-Norman has grown, the range of educational opportunities for handicapped children has expanded, and severely retarded and emotionally disturbed children are served with the non-handicapped.

Recognizing the need to put into place procedures that match handicapped children with appropriate resources, some districts have focussed less on program development than on improving placement decisions and the review process. These districts have gone beyond the law's minimum procedural requirements by either stressing the quality of the placement decision or involving other agencies in the placement process. Both Georgia's Gwinnett County School district and California's Contra Costa County School District have

developed placement policies that encourage handicapped children's appropriate placement.

- The Gwinnett County School District has developed very explicit policies for placing handicapped children in appropriate settings that meet the LRE mandate. Other policies focus on re-evaluating students who are entering regular classroom programs. Both sets of policies were developed to protect acomplishments in achieving appropriate placements and to identify needs not addressed by programs already in-place.

- The Contra Costa County School District has developed a special assessment unit -- a joint venture of the local school district and the Departments of Juvenile Justice and Youth Services. The goal of this unit is to coordinate the assessment process to minimize agencies serving and making uncoordinated placement decisions about the same children. This assessment process follows all the procedures necesary to comply with P.L. 94-142 and state and local mental health guidelines. Program administrators say that this program has enhanced the quality of seriously disturbed children's assessments, helps assure that these children will be referred appropriately, identifies those services the school district or other human service agency should provide in order meet these children's needs, and helps to insure that program administrators use similiar, if not uniform, criteria in making placement decisions.

Many school districts have found it necessary to initiate yet another task in order to support the LRE mandate. This task focuses on the need to address attitudes in order to insure that handicapped children are accepted in their least restrictive environment. A technique developed for this purpose is "reverse integration," a practice by which non-handicapped children are brought into handicapped children's classrooms. The following two examples document this strategy:

- The Santa Barbara School District (in California) regularly has brought non-handicapped elementary school children into the classrooms of profoundly handicapped and multiply handicapped students. The children serve as both teacher aids and companions to the handicapped children. This program has changed non-handicapped children's attitudes as well as those of their non-handicapped classmates. It also has impacted on the attitudes of parents and other members of the public and encouraged the forging of close ties between special and regular education programs.

- The Bettendorf School District in Iowa has developed "practical classes," for both handicapped students and "slow-learner" non-handicapped students. These classes provide instruction in regular school settings. In so doing, the program explicitly seeks to break down the barriers between regular and special education. As a result, student performance has improved and attitudes about handicapped children have been made more positive.

While several of the previously mentioned school districts have addressed the LRE mandate in different and multiple ways, two districts exemplify a comprehensive LRE strategy. In both Tacoma, Washington, and Riverside County, California, efforts have been undertaken to adapt the principles of LRE to local conditions. The successful efforts undertaken in these two communities illustrate the benefits to be achieved by a strong and total commitment to LRE, a commitment that often mixes special education with general education policies and suggests the importance of the following three steps. Both districts started with an overarching theory of education in the least restrictive environment; both emphasized the importance of ensuring the commitment of district personnel at all levels; and, finally, both stressed the importance of careful programmatic development based on individual children's need.

- Tacoma's Public Schools developed a system of "progressive inclusion" with the goal of ensuring that handicapped children have available to them the entire school systems' resources. As a result of a two and one half year study, Tacoma decided to implement a philosphy that called for the integrated education of handicapped with non-handicapped children. To accomplish this task, Tacoma closed its separate school for moderately to severely handicapped children and re-established these programs in regular schools. This "progressive inclusion" program now pervades all aspects of public school operations and has limited to two the number of out-of-district placements occuring in the past twenty years.

- Riverside Unified School District established an LRE standing committee that has taken the lead in changing district practices. For instance, along with the district pupil placement committee, the district reviews all special education placements to ensure LRE. Because placements are viewed as only one facet of LRE, this committee also has paid attention to other areas. It has sponsored periodic in-service workshops for teachers and administrators; arranged for regular education administrators to change positions either permanently or for one day with special education administrators; used non-handicapped children as helpers in special education classes; and has educated parents about the desirability of mainstreaming handicapped students.

POLICIES WHICH ADDRESS OUT-OF-DISTRICT PLACEMENTS AND ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

INTRODUCTION

The goal of educating handicapped children in the least restrictive environment pervades all aspects of the Education for All Handicapped Children Act, P.L. 94-142. This goal was a driving force in the law's enactment, and underlies many of the procedural reforms written into the statute. By now, eight years after the federal law's passage, the desirability of education in the least restrictive environment (LRE) is a fundamental premise of special education programs at all levels of government.

However, developing policies to assure LRE has not been easy. Beneath the seemingly simple term, "least restrictive environment," are a host of conceptual and operational problems with which education agencies must grapple.

State and local decisions regarding LRE have major consequences for the design of facilities, for the development of educational and related service programs, for school district budgets, and, of course, for the quality of education for handicapped and non-handicapped children alike. This report, the fourth in a series produced by the Handicapped Public Policy Analysis Project, examines the policies that state and local education agencies have used to (1) solve problems with out-of-district placements and (2) assure that students with handicapping conditions are educated in the least restrictive environment. The report is divided into three parts:

- Section I reviews the federal mandate regarding least restrictive environment, examines its origins, and identifies the main policy problems faced by state and local education agencies.

- Section II describes policies which state education agencies (SEAs) have used to reduce out-of-district placements and assure that handicapped students are educated in the least restrictive environment.

- Section III examines policies which local education agencies (LEAs) have adopted to assure the provision of services in the least restrictive environment.

I. THE MANDATE TO SERVE HANDICAPPED CHILDREN IN THE LEAST RESTRICTIVE ENVIRONMENT

A. The Statutory Mandate

Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) specifies that "no otherwise qualified handicapped individual ... shall, solely by reason of his handicap, ... be subject to discrimination" in any federally-assisted programs. This broad provision implies that handicapped individuals shall be treated in the same manner as non-handicapped persons as opposed to being segregated or treated differently.

P.L. 94-142 more explicitly addresses the notion of "least restrictive environment," although since its passage, the meaning of the term has been much debated. The law itself uses the phrase only once, in Section 618 (d)(2)(A), which requires the Department of Education, as part of its annual report to Congress, to analyze the effectiveness of procedures used to assure that "handicapped children receive special education and related services in the least restrictive environment commensurate with their needs." The law contains another more informative statement of what the phrase means in its requirement that states establish:

> "procedures to assure that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use

> of supplementary aids and services cannot be achieved satisfactorily." Section 612 (5) (B).

The federal regulations for P.L. 94-142 further specify that non-academic and extracurricular services for handicapped children must be offered whenever possible in conjunction with services to non-handicapped children. Thus, the dual components central to the concept of "least restrictive environment" are (1) the proximity of an educational program to the regular educational environment; and (2) the degree of opportunity for handicapped children to interact with non-handicapped children.

Under federal law, both local and state education agencies are charged with assuring education in the least restrictive environment. Local education agencies (LEAs) have the specific responsibility to ensure that each handicapped child within the LEA's jurisdiction is educated in the least restrictive environment. State education agencies (SEAs) have the broader duty to assure the promotion of LRE statewide. For handicapped children served in public day or residential programs other than those supervised by an LEA, the SEA also is required to establish policies which assure that these students are educated with non-handicapped students whenever possible, and that they are placed in separate classes only when absolutely necessary (Section 300.556 of the regulations).

While P.L. 94-142 firmly establishes the principles involved in the "least restrictive environment" requirement,

neither the statute nor subsequent federal policy statements define precisely how state and local education agencies are expected to implement the law. As a result, the courts often have been called upon to resolve disputes arising between school districts' policies and parents' or advocacy organizations' interpretations of the least restrictive environment provisions. Yet court rulings, too, have given contradictory guidance to SEAs and LEAs.

Many court decisions have upheld the literal meaning of the LRE mandate, ruling against placements of individual students in special schools, homebound programs, and other segregated programs on the basis of the LRE provisions of P.L. 94-142. For example, a homebound program for a 16 year old emotionally disturbed student that consisted of 10 hours of tutoring per week at the local public library,[1] and a placement of a severely retarded student in a segregated education center for handicapped persons[2] were held to violate the rights of these students to placement in the LRE because they did not afford adequate contact with non-handicapped students. More sweeping rulings, not tied solely to P.L. 94-142, but affected by it, have questioned the appropriateness of separate residential care for entire groups of handicapped individuals. One of the earliest such decisions was rendered in the case of

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[1] Blue v. New Haven Board of Education, No. N81-41 (D.C. Ct. 1981), 3 EHLR 522:401.

[2] Campbell v. Talladega City Board of Education, 518 F. Supp. 47 (D.C. Ala. 1981).

Halderman vs. Pennhurst State School and Hospital. In this case, the federal district court in Pennsylvania ruled that mentally retarded persons placed in state facilities have a right to adequate care that is free from discriminatory separation from non-retarded people. The judge also ruled that because Pennhurst, a Pennsylvania state institution for the mentally retarded, was irredeemably incapable of providing such care, the State had to provide all residents with habilitative living arrangements and services in less restrictive settings in the community.

In contrast to these rulings, other court decisions have recognized intervening variables which constrain unilateral judgements against segregated facilities. Several of these decisions state that restrictive settings can be justified when based on a child's needs. For example, several courts have justified a more restrictive setting because of the need for additional services that could not be provided in a less restrictive environment, even though the more restrictive placement allowed no interaction with non-handicapped students.[3] In still another case, opportunities for socialization in a less restrictive placement were found to be an insufficient basis for placement: the court here held that socialization undertaken prematurely might either have

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[3]Brown v. District of Columbia Board of Education, Civ. Ac. No 78-1646 (D.C. District of Columbia 1978), EHLR 551:101.

traumatic consequences or lead to regression.[4] In the most explicit statement yet, still another court ruled that P.L. 94-142 does not impose an "absolute duty," but rather a "preference" for handicapped children to be educated with non-handicapped children. In this case, the court ruled that, having had little progress in a less restrictive environment, a mentally retarded child could be transferred to a more restrictive setting.[5]

In summary, federal legislation establishes clear directions for policy: all handicapped children are to be educated with non-handicapped students and in a regular education setting to the maximum extent possible. However, both professional opinion and court rulings have affirmed that factors other than physical setting must be taken into account when selecting a child's educational program. A child's needs may require a more, rather than less, restrictive setting. Thus, SEA and LEA officials are still faced with difficult policy problems when they attempt to interpret and implement the LRE mandate contained in federal law.

B. Policy Problems Associated with Assuring Services in the Least Restrictive Environment

According to state and local officials, most of the problems associated with developing policies that assure LRE stem from:

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[4]Gikman v. Scanlon, 528 F. Supp. 1082 (D.C. Pa. 1981).

[5]Rocker v. Walters, No. C-1-80-90 (D.C. Ohio 1981) 3 EHLR 553:121.

- The procedural nature of the LRE mandate;
- The subjective nature of judging both the most appropriate and least restrictive educational setting for a particular child;
- The difficulty of altering long-standing patterns of care:
- The trade-offs that must be made between the needs of handicapped and non-handicapped children; and
- Resource constraints which limit school districts' abilities to create a full range of program opportunities.

The nature of all of these problems is such that they are not "solved" once and for all by state or local education agencies. They recur over time, and must be addressed again and again as school boards, administrators, teachers, and parents engage in the process of assuring that children are educated in the least restrictive environment. Because these problems recur and create the context in which both SEAs and LEAs establish policy, we briefly examine each in turn.

Many state and local agencies have found that problems are caused by the fact that P.L. 94-142 addresses primarily the procedural aspects of assuring LRE. Federal law and regulations are quite specific about the process designed to increase the likelihood that children will be educated in the least restrictive environment. Accordingly, detailed rules have been established for participation in the IEP process, for the time schedule controlling IEP development, and for the appeal rights of parents. However, neither the law nor the regulations establish criteria for judging whether the result of the placement process actually complies with the

LRE mandate. Procedural safeguards only set up conditions in which appropriate decisions can be made; they cannot, by themselves, guarantee the outcome.

In the absence of criteria by which to judge placement outcomes, SEAs and LEAs have had to establish policies which recognize the subjectivity of judgements about the least restrictive environment. Necessarily, placement decisions are based on each individual case's particular circumstances, taking into account each child's unique abilities and needs, as well as the resources available to the district. In addition, while the placement decision depends primarily on informed professional judgement, the desires of parents, teachers, and administrators can affect the ultimate placement decision. These decisions thus allow great discretion to those making the placement. This high degree of discretion has the positive feature of enabling a precise match between a student's needs and an educational program. However, at the same time, such discretion carries with it the risk that poor judgements will be made and that considerations other than the child's needs will sway the decision. The individual nature of the placement decision also makes it extremely difficult to establish policy guidelines applicable to all handicapped students. As a result, state and local policies on LRE tend to mirror federal policies: they are general in nature and focus largely on procedural issues.

SEA's and LEA's also have had difficulty with the LRE mandate because the process has required altering long-

standing patterns of care for handicapped children. When P.L. 94-142 was first enacted, many handicapped children had been receiving care in public and private institutions or had been attending day programs segregated both from public schools and non-handicapped children. The concept of least restrictive environment gained strength, of course, precisely because these patterns of care were judged inappropriate for many of the children thus enrolled. Nevertheless, in trying to change these placements, school administrators encountered resistance from several sources: from operators of private facilities; from employees of public institutions (who might lose jobs as enrollments dropped); from parents, who were satisfied with the care their child was receiving; and even from public school staff themselves who were not prepared to accept previously institutionalized students.

Responsibility for altering the pattern of care for handicapped children has not rested with educators alone. In the years following P.L. 94-142's implementation, a general movement to deinstitutionalize children surfaced across all children's service fields. In fact, the general term "deinstitutionalization" actually subsumes a number of different trends:

- In the field of mental retardation and developmental disabilities, pressures for deinstitutionalization resulted in a drastic reduction in the enrollments of state facilities for the retarded. Adults as well as children were transferred out of institutions in great numbers to day programs, independent living arrangements, or smaller community-based facilities.

- In the child welfare field, dependent and neglected children were either moved from residential programs to community-based care settings (often foster care), or were maintained at home.

- Children and youth in the juvenile justice system were "diverted" from the more formal processes that were likely to result in placement in correctional facilities, and increasingly were remanded to community-based counseling and treatment programs.

- In the field of mental health, seriously emotionally disturbed children were not so readily placed in residential facilities, and those children already in such facilities were transferred out as many of the facilities were closed (or are now being closed).

Each of these major service systems -- mental retardation and developmental disabilities, child welfare, juvenile justice, and mental health -- experienced strain and, often, conflict as a result of the far-reaching changes they were undergoing. School administrators, however, had to cope with the effects of all of these changes. Because public schools became responsible for the handicapped children who had previously received education in more restrictive settings, P.L. 94-142's mandate emerged as a central focus of all these different "deinstitutionalization" movements.

In attempting to provide an appropriate education for the new children coming to their doors, school administrators have had to work within resource constraints which limit their districts' abilities to create a full range of program opportunities. This situation has tended to dominate the politics of local special education: can school districts afford the new programs necessary to assure that children are educated in the least restrictive environment? While the economics of

providing new forms of care are complicated, in almost all instances school districts were required to allocate more funds to special education. Even when new programs were less expensive, per student, than the more restrictive types of care, savings were usually more than offset by the districts' responsibilities to serve many more children than they had previously. Rarely did the resources that previously had supported restrictive types of care "follow the children" when they returned to their home districts. For example, when a mentally retarded child, formerly cared for in a state institution at the expense of the state MR/DD agency, was transferred into a local public school program, the funds that had been allocated for that child's care were not transferred to the local district. Similarly, care for which parents had paid prior to P.L. 94-142 often became the school district's sole responsibility after the federal law went into effect.

In general, local districts absorbed the increase in special education costs with remarkably little opposition. Increased amounts of state funding for special education helped lessen the new costs, and the general satisfaction with the new patterns of care resulted in a sense of dollars well-spent. However, for certain districts, resource constraints continue to pose serious problems. Rural districts, in particular, found their budgets strained and have had difficulty funding appropriate care settings for children with low-incidence handicaps. Districts with children needing very specialized and costly care often found the costs prohibitive

and sometimes resisted providing such care within the district. But even among those districts with special problems, many eventually found affordable ways of assuring LRE (as described in the next section).

The final type of problem posed by the LRE mandate, the trade-offs between the needs of handicapped and non-handicapped children, was rarely cited by administrators of the effective programs examined in this report. As a day-to-day problem in a school's operation, the fear that handicapped children's presence will interfere with non-handicapped children's education seems to loom larger when new programs are being planned than when they are implemented. As the discussion of effective policies in the next section illustrates, the districts with successful programs emphasize the benefits rather than the penalties that result from educating handicapped and non-handicapped students together. As a resource question, however, the problem of trade-offs can continue to be serious. As school boards examine district budgets and are confronted with falling tax bases and generally lower enrollments, the choice of allocating funds to either special education or regular education can become a difficult one. Many districts now seem to be entering a new phase of tough financial decisions. As local dollars for education shrink, local boards must decide how to preserve the programs already in place. Projecting into the future, special education programs may even be faced with pressures to reduce budgets as the current national criticism of general

education creates a new set of priorities for education finance.

Many SEAs and LEAs have developed policy approaches which reduce the problems discussed here, and which bring schools closer to the goal of educating each child in an appropriate setting that meets the least restrictive environment provisions of federal and state law. In the next two sections, we examine, first, state policies which have promoted this goal and, second, local district policies which have helped to accomplish LRE.

II. STATE POLICIES TO REDUCE OUT-OF-DISTRICT PLACEMENTS AND ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

P.L. 94-142 gives state education agencies a clear-cut mandate about LRE: as part of the SEA's general supervision responsibilities, the SEA must assure that all handicapped children in the state are educated in the least restrictive environment.

In practice, however, SEAs report that carrying out this mandate is not at all straightforward. The overriding problem is one of jurisdiction. Few, if any, handicapped children in the state are directly under the SEA's supervision. The great majority are educated by either LEAs or intermediate education units (IEUs). Even handicapped children whose educational programs are provided directly by the state -- children in state institutions, for example -- are likely to be under the direct supervision of another state human service agency, not the SEA. Thus, because SEAs' authority to ensure that handicapped children are educated in the least restrictive environment is "once-removed," they must find a way to make other jurisdictions -- LEAs, IEUs, and state human service agencies -- comply with the LRE mandate.

SEA policy development pertaining to LRE reflects the deceptive simplicity of this mandate. At one level, SEA policies merely pass on the federal mandate to all jurisdictions in the state, specifying that education of handicapped children in the state will be accomplished in the least restrictive environment that is appropriate for the child. To

this end, all SEAs have adopted general written policies identical or similar to federal law and regulations. Even when a state adopts a more extended description of their LRE goals, the policies are likely to remain general in nature. A statement in the Michigan Special Education Rules provides such an example:

> Special education classrooms shall be located in schools housing regular education pupils of comparable age and grade level. Each handicapped person shall be assigned to educational programs and services housed in buildings that allow handicapped persons to participate fully in regular and special education programs, services, or extracurricular activities. Nothing in these rules shall prohibit special education programs, such as specialized vocational training or programs for more severely involved impairment areas, to be housed in places other than the schools with regular education programs, if such programs are set forth in the intermediate school district plan and are approved by the state board of education. (Michigan Special Education Rules, Section R340.1733, Rule 33(b) page 21)

Beyond these general statements, however, SEA's have had to put in place a variety of more specific policies, designed to actually affect implementation of LRE. These more specific policies try to shape the nature of educational programming in the state according to the SEA's interpretation of LRE.

These specific policies vary greatly from state to state, for several reasons. First, SEAs differ on how forcefully each asserts authority over local districts and other state agencies. In states having strong state governments, an SEA will tend to be more prescriptive in its policies, and perhaps maintain an oversight function on certain types of LEA place-

ments. Similarly, in a state whose education agency is strong relative to other state agencies, the SEA is likely to make bolder attempts to control educational programming in state institutions. Correspondingly, where SEAs have less authority, their policies are liable to be weaker.

A second reason that state LRE policies vary has to do with the historical differences which exist among states in patterns of care. As was noted in Section I, LRE policies must almost always change the traditional patterns of care for handicapped children. As a result, SEA policies on LRE directly reflect the different points at which states find themselves in terms of the historical development of services. For example, some SEAs have had to direct their LRE policies to reversing patterns of state institutional care; others have had to develop policies aimed at reducing private school placements; still others have emphasized creating new programs for children to whom little or no care was previously provided.

Third, SEA policies differ according to how states interpret LRE. This interpretation often is not solely within the SEA's control. For example, a Governor's Office, a state budget bureau, and other state human service agencies are each as likely to establish a state's posture on deinstitutionalization as is the SEA. If a state government vigorously pursues a reduction in institutional care, the SEA is likely to be supported in its attempts to achieve LRE. Alternatively, a state may make only tentative efforts to reduce unnecessary

institutional care for handicapped children, thus making it difficult for the SEA, through its policies alone, to accomplish its LRE-related goals. Further variation is caused by the fact that SEAs themselves may offer different interpretations of the LRE provisions of federal law. For example, one SEA may tolerate a higher level of placements outside local school districts than another SEA would accept. In short, even at the highest levels of policy development and enforcement, interpretation of LRE is ultimately affected by SEA administrators' judgements about the issue.

Despite the wide variation in SEA policies, those reviewed for this report were directed to one of three interrelated goals. These are:

- First, to influence the process by which handicapped students are placed out of district;
- Second, to gain greater control over the educational programs of children placed in state institutions, (where, historically, some of the most restrictive care has taken place); and
- Third, to participate in broader efforts to deinstitutionalize handicapped children.

This section proceeds with a description of effective policies directed to each of these goals.

A. Policies that Influence the Placement of Handicapped Children Out-of-District

The most direct approach through which an SEA can control out-of-district placements involves an SEA review of LEA recommendations for such placements. Several states have

instituted this type of review process: Connecticut's example cited below, seems to be typical of them.

> The Connecticut Department of Education exercises approval and disapproval authority for reimbursement purposes of all requests local districts make for placing children in private out-of-district placements. This policy was established subequent to P.L. 94-142, in Section 10-76-D of the state code, among other reasons, to control what the SEA believed to be an excessive number of out-of-district placements.
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> LEAs request SEA approval for private out-of-district placements by sending their recommendations to the Bureau of Student Services within the Department of Elementary and Secondary Education. At this office, placements in private schools that have an approved special education program are automatically approved, while those in private schools without an approved special education program are carefully scrutinized.
>
> State officials require local special education directors to justify that a range of placement options are considered in order of their restrictiveness before recommending placement in a private facility. If state officials are convinced that an out-of-district placement represents the appropriate, least restrictive alternative for the child, the LEA's recommendation is approved for a specific period of time, with specific dates set to review the child's educational progress. Placements recommended by LEAs to out-of-state facilities that are not approved by the state in which the facility is located are not approved for reimbursement by the Connecticut SEA.
>
> Particularly in conjunction with other efforts that LEAs have taken to increase options for educational programming in the child's own district, Connecticut's SEA staff believe that the use of this review authority has reduced the number of inappropriate out-of-district placements. They feel that the SEA's review may also have helped to improve the quality of placement recommendations for children with severe handicaps. LEA officials know that any placement recommendation sent to the state will be examined closely to determine if it is the least restrictive environment which best meets the child's needs. (For more information on Connecticut's private facility approval, see the list of contact persons in Appendix L.)

The advantage of Connecticut's review policy is that it serves to ensure that local districts have exhausted all available resources within the district and among neighboring districts before recommending placement in any private out-of-district facilities. As such, it represents an effective strategy by which the SEA has worked to reduce out-of-district placements.

Other states have instituted a variety of placement procedures to ensure that out-of-district placements, including institutional placements, are carefully considered and, presumably, minimized. Typically, these policies establish a placement process that marshalls a wide range of professional expertise and involves several levels of professional review, in order to assure that children are placed in appropriate settings. In some states, these more elaborate placement procedures are called into play only when the normal IEP process has identified a child for whom (1) no appropriate placement is readily available; (2) an out-of-district placement is recommended; or (3) payment for services is contested. In such cases, the placement decision often must involve other human services agencies as well as the usual participants in the IEP process. Maryland's Admissions, Review, and Dismissal process is an example of such a placement policy.

> Maryland's Admissions, Review, and Dismissal (ARD) process was originally designed to help coordinate the placement decisions that multiple local agencies were making for children in need of residential care, as well as to assure that these placement decisions yielded the most appropriate care for handicapped children. Multiple agencies meet regularly as ARD

Committees on a local and regional basis throughout the state.

The ARD system was incorporated into the Maryland State Special Education Bylaw 13.04.01 and was implemented in 1978. State officials claim that the ARD process has reduced the number of out-of-district placements statewide. In addition, Maryland officials believe that the range and quality of information used in placement decisions has improved due to the systematic participation in ARD of all human service agencies with jurisdiction over handicapped children. However, because each county maintains its own ARD committee, yielding much variation throughout the state, and because the process was not mandatory for other agencies, the SEA is now in the midst of reforming the process to both standardize and enforce multi-agency participation.

In its plans, local coordinating committees (LCC's) will have the force of law to require multi-agency involvement. Previously the ARD systems was only contained in the state education regulations and thus was not binding on health and social service agencies. The State Coordinating Committee (SCC) will review all LCC placement decisions to verify that all other less restrictive alternatives were first considered. Under executive order from the Governor, it will no longer be possible to unilaterally place a child in residential care; rather it will require the participation of multiple agencies at both the state and local level. (For more information on Maryland's ARD and SCC system, see list of contact persons in Appendix L.)

Placement systems such as Maryland's ARD process operate on the assumption that accurate and appropriate placements are best guaranteed by bringing a wide range of expertise to bear on the placement decision. Increasingly, SEAs see placements as an inter-agency activity, at least for those children with multiple handicaps or those whose needs are the concern of more than one service system. Such coordinated interagency placement procedures recognize that no one agency nor professional fully understands the needs of all

types of handicapped children, nor is likely to know the full range of services a child may need. Bringing professionals together on a formal, systematic basis increases the likelihood that the final placement decision will be appropriate. This type of mechanism does not guarantee that all placements will ultimately be in the least restrictive environment, but it does increase the likelihood that a wide range of resources will be considered in attempting to find such a placement.

SEAs rely on the placement process to guard against inappropriate out-of-district placements, particularly inappropriate institutional placements. However, for children in state institutions, SEAs face the additional challenge of ensuring that these children receive an appropriate education, while not remaining in institutional care simply because a less restrictive placement is unavailable. The next section reviews state policies that have addressed this aspect of achieving LRE.

B. SEA Policies Designed to Assure an Appropriate Education in the Least Restrictive Environment for Children in State Institutions

The main difficulties SEAs face in assuring educational opportunities for handicapped children in state institutions have been twofold: institutions frequently had few or no educational programs, and even when they did, other state agencies administered the programs. To comply with P.L. 94-142, SEAs had to assert new authority, thereby gaining more control over institutions' educational programs, a task fraught with both political and programmatic difficulties.

States have used various strategies to assert this authority. Generally, SEAs seem to have sought solutions that were both politically feasible and well-adapted to other state agencies' institutional capabilities. Three examples illustrate the diverse approaches that SEAs have taken to both improve the education component of institutional programs, and ensure that these programs complied with P.L. 94-142 and its LRE provisions. These examples are:

- Louisiana's development of a special school district;
- Florida's transfer of responsibility to LEAs for the education programs in its developmental disability centers; and
- The California Youth Authority's specialized programming for incarcerated handicapped youth.

Several SEAs have created a special school district for institutionalized children, in order to gain control over the educational programs in state institutions. Along with focusing attention on LRE issues, this approach solves many of the jurisdictional issues involved in programming for institutionalized children. This approach can be understood more clearly by focusing on Louisiana's policies that created Special School District #1.

> In 1977, the Louisiana legislature established Special School District #1 (SSD #1) through Act 754, to provide educational services to handicapped children in state institutions. This arrangement made institutions' educational programs -- previously under the jurisdiction of the Departments of Mental Health, Mental Retardation, and Corrections -- the equivalent of any other school district in the state. Thus, SSD #1 was subject to all the provisions of P.L. 94-142 as well as to the state

special education statute, an arrangement that superseded the one formerly in place whereby the other state agencies had been solely responsible for the educational programs provided to institutionalized handicapped children. While the explicit purpose of the special school district was to centralize the authority for educational programming in order to comply with P.L. 94-142, the new arrangement was also intended to improve the adequacy of services for a group of handicapped children who previously had received little attention.

Special School District #1 is administered by a superintendent who hires the administrative and teaching staff that provides services in the institutions and, in addition, sets educational policy. The District is responsible for making changes in the educational programming for children in institutions: it does so particularly when the Superintendent believes that educational goals could be satisfied in a less restrictive environment. IEPs are developed for all children enrolled in the Special School District, and particular attention is paid to placing these children out of institutions as soon as possible.

The benefits of Special School District #1 have been several. First, it has centralized authority over the educational programmming for children in institutions, enabling education programming decisions to be made by an education rather than non-education agency. Consequently, students are educated in an environment more similar to a regular school, by teachers certified according to state education standards. Second, the special school district has encouraged and participated in efforts to deinstitutionalize children. These efforts have been particularly important in facilitating a child's smooth transition from an institutional education program to an LEA's education program. The Special School District jointly develops IEP's with the appropriate LEA when the child is returning to that LEA. (See Appendix A for a more detailed discussion.)

The special school district approach serves both legal and programmatic purposes: it ensures compliance with P.L. 94-142's provisions requiring SEA authority over educational programming for all institutionalized handicapped children, and it allows an SEA -- for the first time, in many

states -- to strengthen educational programming in state institutions. In Louisiana, for example, SEA officials credit the control achieved through the special school district approach with a marked increased in the quality of programming for institutionalized handicapped children. These officials also believe that the attention which School District #1 focused on the educational needs of institutionalized children contributed directly to less restrictive placements for many of those children. Without the control over IEP decisions gained through the special school district, Louisiana's officials maintain there was little chance that an institutionalized child's educational programming would have reflected any LRE considerations at all.

In effect, the special school district approach expands the mandate of P.L. 94-142 into other agencies' programming. Normally, few state laws regulating institutions have required considerations of least restrictive environment. However, by establishing a special school district, and thereby making institutional education programs subject to the provisions of P.L. 94-142, LRE has become a key consideration. While this step may be only one of many needed to fully achieve LRE goals, it is important because it establishes a legal base from which to extend LRE principles into other areas of institutional administration.

A second approach SEAs have used to ensure that institutional programs are subject to all the provisions of federal and state law is to assign to LEAs the responsibility

for these educational programs. An example of this approach is Florida's transfer to local districts of responsibility for the education of institutionalized handicapped children.

> Enactment of CSHB 1327, Chapter 79-184, of the Laws of Florida, transferred responsibility for educating children residing in twenty Florida state institutions from the State Department of Health and Rehabilitative Services (HRS) to local school districts. Prior to passage of this law in 1979, educational programs for children residing in youth services training schools, mental health hospitals, and developmental services facilities (known as Sunland Centers) had been administered directly by these facilities. While these facilities' programming could be good, it varied considerably from facility to facility. Thus, the transfer of responsibility was expected to improve the quality of education for children in residential facilities; help assure compliance of institutional education programs with state and federal law; and promote the deinstitutionalization efforts already underway in Florida, thereby helping to move children into less restrictive environments.
>
> To assist in the transfer of authority from state agencies to the LEAs, a state task force was created. Leadership was provided by the Bureau of Education for Exceptional Students (BEES) of the State Department of Education and by HRS staff. The task force also included representatives of the LEAs and HRS facilities affected by the law. The task force met monthly during the transition year of 1979-80, preparing local districts to accept their new responsibilities and anticipating and solving major implementation problems. For example, the task force was the forum for identifying and eventually resolving several of the most difficult obstacles to the transfer of responsibility: e.g., conflicting standards of discipline between the residential facilities and local districts; restrictions on sharing student information between the state agency and local districts; and issues of tuition payments. While the task force itself was not a policy-making body, it was a key vehicle for interagency communication and gave LEAs the chance to address problems that arose as they took on their new responsibilities.
>
> The transfer of responsibility to the LEAs was recognized by all concerned as a "herculean" task

(according to an evaluation report on the process), but because of strong interagency collaboration, it was accomplished successfully and, for the most part, within the time frames established by the state legislature. It changed the pattern of educational services for institutionalized children and is believed to have improved the quality of care as well. As part of the overall transfer, the Department of Education and HRS established a formal method for involving school districts in local HRS deinstitutionalization plans, which helped assure that children would be educated in local school facilities whenever possible, rather than in the residential facilities. (To obtain more information on Florida's efforts, see the list of contact persons in Appendix L.)

Florida's approach to assuring the adequate education of children in state institutions was not free from problems. Of all the policies already discussed in this section, Florida's most fundamentally changed the historical pattern of care. Inevitably, this kind of change generates conflict; this was evidenced in Florida by some districts' initial refusal to take responsibility for institutionalized children.

However, the difficulties of Florida's approach are outweighed by its advantages. Assigning responsibility for the education of children in state facilities to local districts emphasizes the importance of education for these children -- an importance that can be forgotten in the best institutions and which, historically, has often been absent in large state institutions. By making school districts responsible for educating these students, the children's basic rights to equal educational opportunity cannot be ignored. The nature of children's educational experience must be

planned by the same jurisdiction -- the LEA -- that plans for non-institutionalized children's education. Thus, the long-range potential for less restrictive placements of institutionalized children is promoted, a potential which is already being realized in Florida as part of ongoing deinstitutionalization activities.

In other states, LEA's were responsible for providing education to handicapped children in state institutions even prior to P.L. 94-142. These states achieved the benefits of this approach without the programmatic, financial, and jurisdictional changes necessary in Florida. But Florida's experience illustrates that states can accept the challenges of making such sweeping changes and, even so, achieve an improved service system in a relatively short period of time.

A third approach to increasing control over educational programs in state institutions involves cooperative work between the SEA and the state agencies administering these institutions to upgrade the educational programs. When fundamental jurisdictional reforms, such as Louisiana's or Florida's, are impossible, this approach may be the only way to comply with P.L. 94-142. The majority of SEAs seem to have taken this approach to gain greater control over institutionalized programs, but the results have varied greatly, depending on the SEA's vigor in trying to improve programs; the willingness of other state agencies to cooperate; and the presence or absence of federal compliance activities. However, when a state agency is willing to cooperate with the

SEA, or even takes the initiative in applying P.L. 94-142's standards to educational programs within institutions, the benefits of this approach can be substantial. One such example is the California Youth Authority's efforts to improve educational programs for handicapped children in the state's youth correctional facilities.

> In 1979, the California Department of Youth Authority (CYA) began working closely with the California Department of Education to improve the quality of special education services for children under the supervision of CYA.
>
> CYA administers training schools and correctional institutions throughout the state and has for years maintained educational programs in these institutions. However, program quality was variable and few programs complied with P.L. 94-142's provisions. When SEA and CYA staff conferred on the possibility of compliance issues being raised in the future, CYA became committed to improving the quality of their programs for handicapped incarcerated youth. A number of actions followed.
>
> CYA and the Department of Education signed an interagency agreement that defined each agency's responsibilities for strengthening CYA's programs. In addition, an Education Administrator for Special Programs was appointed within the Institution and Camps Branch of CYA. This administrator gave intensive technical assistance to each of CYA's ten institutional schools. Simultaneously, a policy manual -- the first of its type in the CYA -- was developed that made explicit CYA's commitment to both the goals and procedural safeguards of P.L. 94-142 and the state's Master Plan for Special Education. Over 50 of CYA's teaching staff have been retrained to obtain special education credentials, and the Department of Education has provided approximately $300,000 per year to CYA for program improvements.
>
> The resulting improvement in CYA educational programs has been dramatic. Within three years, CYA had instituted procedural reforms and established specially designed programs in all of its institutions. While some institutional schools proceeded less rapidly than others, sometimes due to superintendents' resistence, all have made substan-

tial gains in expanding educational opportunities to students with handicapping conditions. (See Appendix B for a more detailed description.)

California's approach in its Youth Authority programs has several advantages. Most importantly, this approach encourages the state agency administering the program to accept responsibility for the quality of the program. Unlike other approaches, (such as Louisiana's special school district which puts institution-based special education programs under a separate authority), California's approach requires the responsible state agency to give special education a high priority within its own management and organizational structure. When the agency's response resembles CYA's -- that is, an explicit policy commitment to special education is made -- the result can be lasting institutional reform. Thus, the CYA response led to rapid expansion of special education programs within the correctional institutions.

CYA's approach also leads to a strategic advantage because the reform process is initiated from within an agency, rather than from without. CYA's Administrator for Special Programs had been an employee of the SEA and was able to work well with staff from both CYA and the State Education Department. Because programmatic change proceeds more rapidly when interpersonal working relationships are strong, the decision to work from within the CYA helped give the new policies momentum. Even so, some CYA institutional superintendents resisted the new policies, but it is likely that the

resistance would have been greater if change had been urged from others outside the Education Department.

The three approaches discussed in this section -- Louisiana's Special School District, Florida's transfer of responsibility to LEAs, and the California Youth Authority's work with the California State Department of Education to improve care in correctional facilities -- all succeed in bringing the precepts of P.L. 94-142 (including LRE considerations) into education programs which previously were not subject to them. While such SEA policies do not guarantee that every child will actually be educated in the least restrictive environment, they have increased the likelihood that LRE goals will be reached by establishing a policy context that promotes these goals. Thus, these policies all represent significant steps toward guaranteeing an appropriate education in the least restrictive environment to children who previously were not so protected.

The state policies described in this section were developed to achieve better control over the education of handicapped children in state facilities. Other SEAs have taken further steps in attempting to assure LRE, by participating in broad-based deinstitutionalization efforts. These efforts demonstrate that SEAs can play a key role in deinstitutionalization if their policies are adapted to it and their resources are marshalled to this end. This type of SEA effort is discussed in the next section.

C. State Policies to Promote Deinstitutionalization

Earlier in this chapter, the close relationship that exists between deinstitutionalization efforts and the goals of educating handicapped children in the least restrictive environment was noted. Too often, however, deinstitutionalization efforts have been planned and managed by other agencies, while SEAs and LEAs have had to cope with its consequences. But this lack of joint planning does not have to prevail, and policies in the state of Colorado illustrate the benefits that can result when SEA's are partners in deinstitutionalization efforts.

> In 1979, the Colorado legislature passed Senate Bill 26, (SB 26), to encourage the development of community alternatives so that children placed out-of-home could return to or remain in their home communities. The legislation's purposes were to reduce out-of-home placements so children could be served in less restrictive settings, and to halt the rapidly escalating costs of serving children in residential facilities. The statute applied to out-of-home placements that were made by any state or local public agency. Of particular interest were the placements made by the Department of Social Services which controls most of the state's out-of-home placements (including foster care and institutional care).
>
> SB 26 provided a fixed allocation of Social Service funds to counties and allowed counties to use these funds to develop alternative community services, thereby lifting previous restrictions that the funds be used solely for residential care. Each county was to appoint a Placement Alternatives Commission (PAC) which, with broad community representation, was to develop a local plan for establishing alternative programs that would enable children in residential facilities to return to their home communities.
>
> Simultaneously, the Colorado SEA and the Department of Social Services developed an interagency agreement that established parameters for joint placement, funding, and monitoring of all handicapped students

residing in residential facilities. These include board and care homes, foster care homes, group homes, private residential schools, and state institutions. In drafting this agreement, the SEA and the Department of Social Services brought together, in a series of meetings, all local special educators and county social service directors. Since local officials were actually involved from its inception, the resulting document not only represented a considerable change from the status quo, but also was likely to effect change.

The agreement went into effect in 1979. Because of it, placements were no longer made unilaterally by the Department of Social Services. Instead, the child's education needs always were considered along with his/her social needs, with a strong presumption that both could be met within the home community.

As a result of Colorado's two efforts -- one initiated by the legislature and the other by the executive branch -- placements in residential institutions have declined steadily. Statewide, placements in residential facilities decreased by 7% in FY 1981 and 1982, although they then rose slightly in 1983. Moreover, Colorado has found that alternatives to out-of-home placements cost approximately 30% of the former per-client cost of residential placements. While the average monthly per pupil cost of residential facilities has risen from $1,262 to $1,456 between 1981 and 1983, the costs for alternative placements have dropped from $314 to $265 per pupil per month. Further, the rate of increase for residential services has declined steadily from 21.5% in 1978-79 to only 7.9% in 1982-83. (See Appendix C for a more detailed discussion.)

Colorado's policies are particularly interesting because they link control over the placement process with the creation of financial incentives to develop program options at the local level. This policy recognizes that two types of encouragement are likely to control LRE at the state level. The first is better control over decisions which potentially can violate LRE, that is, decisions which result in out-of-district placement for children. Colorado's policy, like the

Connecticut and Maryland policies analyzed previously, attempts to assure that all agencies making such placements will have full knowledge of available resources and will carefully assess the child's needs before making such a placement. In addition, however, the Colorado policy goes further by providing financial benefits to a district that develops new programs in order to maintain children at home. By incorporating these incentives in a special state law, the state has also given policy direction to local social service departments and local school districts, thereby legitimizing the principle of LRE in a very explicit manner.

Colorado's deinstitutionalization effort was not directed by the SEA, and in fact many of the policy initiatives which made it successful were undertaken by other human services agencies. However, intensive and systematic collaboration between the SEA, LEAs, and the counterpart divisions of the Department of Social Services resulted in the major change in service delivery patterns which the state has experienced. By closely involving the SEA and LEAs with the decisions made by other social service officials, costs were reduced and children are being served in less restrictive settings.

D. Summary

The SEA policies discussed in this section are designed, first, to prevent education in unnecessarily restrictive settings, and second, to ensure that even in these

more restrictive settings, education is of a high quality and a child receives all the procedural protections due him or her under federal law.

While it may appear that jurisdictional barriers between SEAs and LEAs -- and between SEAs and other state human services agencies -- limit SEA's from pursuing these goals, many SEAs have found ways to overcome these barriers and accomplish their aims. In part, this has involved establising some new rules about SEA and LEA jurisdictions. Policies such as Maryland's ARD system, Louisiana's special school district, and Florida's transfer of educational responsibility for children in state facilities to LEAs, all redefine education agencies' roles, and give them a new organizational and legal framework within which they can implement and enforce the provisions of P.L. 94-142. Where jurisdictional boundaries cannot actually be changed, SEAs have found success with interagency approaches. The policies in California's youth correctional facilities and the interagency cooperation shown by Colorado's deinstitutionalization effort demonstrate the gains that can be made when two or more agencies work together for the same policy and programmatic goals.

In all cases, the policies SEAs have developed to promote LRE seem to involve an expansion of the role traditionally assigned to state education agencies. Particularly when the SEA gets involved with children most at risk of restrictive placements -- i.e., children for whom

institutional placement is considered -- the SEA must find a way to inject the principles of P.L. 94-142 into other agencies' operations. While there are many ways to accomplish this task, selection of one method rather than another will ultimately depend on such factors as the historical patterns of care in a state, the capabilities and interests of the state agencies involved, and the SEA's own sense of its political, programmatic, and financial strength. Especially when their efforts have the strong sanction and support of state as well as federal law, SEAs which have pursued LRE-related goals vigorously seem to have had greater success in accomplishing their aims.

III. LOCAL POLICIES TO PROMOTE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

Just as did SEAs, local education agencies have found that attempting to educate children in the least restrictive environment is a complex task. It is not, as is sometimes supposed, merely a matter of implementing one or two new programs. Instead, it requires a series of policy and program decisions which usually involve a wide range of people, including school board members, administrators, teachers, parents, and students.

The LEAs that have achieved the most success in implementing the LRE mandate have pursued a broad-based strategy. They have infused the entire operation of the school district with the principles of LRE, and have used all the resources they can muster to create the educational programs that are necessary if a district is to offer a full range of appropriate educational opportunities. While specific local districts may vary widely in both the amount and types of resources they can bring to this task, it is the sense of implementing an overall strategy which has proven to be the key to effective results.

In developing an overall policy on LRE, LEAs seem to undertake four major tasks, each of which contributes to the eventual goal of appropriate educational opportunities. These tasks include:

- Making the policy and political decisions to achieve education in the least restrictive environment:

- Developing new less restrictive alternatives;
- Improving placement decisions as a step toward educating students in the least restrictive environment;
- Changing attitudes about the education of handicapped children in relation to non-handicapped children.

This section looks at the policies developed to achieve these tasks, and examines the alternative ways LEAs have pursued each of them. In closing, this section focuses on two LEAs that have put all of these elements of the task together in order to build an effective overall strategy of educating children in the least restrictive environment.

A. Making the Policy and Political Decisions to Achieve Education in the Least Restrictive Environment

As have SEAs, LEAs implementing the LRE mandate of P.L. 94-142 have had to confront and change traditional service delivery patterns. This is particularly true with populations of handicapped students such as severely handicapped students who, prior to P.L. 94-142, were not always served by local school districts. Many of these more severely handicapped children had been served in private facilities, in state institutions, or were homebound and simply did not receive any educational services. When school districts had to bring these children into the schools and provide them with appropriate programs, a new level of commitment was required on the part of the school board, as well as a new level of support from parents and teachers. Gaining this commitment and support often had political dimensions and required

careful handling in order to generate positive rather than negative reactions to the greater inclusion of special needs children.

Those LEAs that successfully promoted services in the least restrictive environment seem to have made a clearly defined and explicit policy decision to do so. Rarely did school districts "drift" into LRE. Instead, the decision to expand educational opportunities for all handicapped children in the district was most effective when it was firmly established and negotiated early-on with all involved: students, teachers, administrators, and parents.

The value of an unambiguous policy direction can be observed in the strategy taken in Urbana, Illinois, to promote LRE:

> Following enactment of P.L. 94-142, school districts in east central Illinois (the Champaign-Urbana area) were confronted with the need to develop educational opportunities for severely and multiply handicapped children. Until then, these children had rarely been served in the public schools. Instead they were enrolled in five private schools in the area which were supported by the State Department of Mental Health and Developmental Disabilities. For the most part, parents were satisfied with this arrangement.
>
> However, as school district officials examined this pattern of care against the requirements of P.L. 94-142, they decided it was not providing education in the least restrictive environment. Regardless of the quality of care in these facilities, they did not allow interaction between handicapped and non-handicapped students, and thus did not comply with the federal mandate. Even aside from compliance issues, school officials felt that it was time for the public schools to assume responsibility for severely handicapped children. Their decision was reinforced by the fact that state Mental Health funds supporting private schools were likely to diminish in coming years, endangering the quality of services offered to children.

When school district officials decided to bring these children into public schools, they had two options: (1) to make a gradual transition of students from private to public facilities, bringing children into the public schools as their educational development and the willingness of their parents permitted, or (2) to bring all the children into the schools at one time, with no exception. The school districts chose the latter option, believing if the school district had the appropriate programs, there was no reason for any children to remain in the private facilities.

To accomplish their purpose, the school districts established the East Central Cooperative Program for severely involved and multiply handicapped children. Planned with the help of the nearby University of Illinois, the program opened in 1978 and immediately enrolled all 45 children who had been placed in private facilities. This followed a year of development in which parents were notified that their children would be coming into the public school system, and the political work necessary to both diffuse parents' fears and counter any political opposition mounted by the private schools was undertaken. Despite some opposition from these sources, the program opened on time and administrators report that parents and teachers were satisfied with the program by the end of the first year. In subsequent years, the program has served all but one or two severely handicapped students in the region at a cost no more than, and probably less than, the cost of the private schools. (See Appendix D for a more detailed discussion.)

The development of the East Central Cooperative Program illustrates two points about the making of policy decisions that lead to less restrictive educational programs. First, these decisions almost inevitably provoke opposition when they affect whole categories of handicapped children. Not all of this opposition is motivated by self-interest. That is, while several of the private schools opposed the move because it would put them out of business, parents, too, expressed anxiety about their children's transfer, because they feared the change might not be beneficial. Parents at

least knew what to expect from the private schools in terms of quality of education; the public schools, by contrast, had previously not even tried to educate their children. As it turned out, parents' fears were groundless and were allayed when the public program began.

Second, the Urbana program indicates the value of making a clear-cut decision to bring all children into the public schools. Within a year, all of the children previously segregated in private facilities were functioning in settings that brought them into regular contact with non-handicapped children. Parents, teachers, and school administrators are satisfied with the high degree of interaction the program provides. Administrators are also convinced that the students' level of development has increased because of this program. In retrospect, administrators realize that if they had decided to bring the children back gradually, many children would still be in the private schools. Evidence for their views is provided by the experience of a nearby school district which developed a similar cooperative for trainable mentally retarded students in 1978. This district sought to make a slow transition from private facilities and, as a result, many Trainable Mentally Retarded (TMR) children still are not in the public schools five years later.

The East Central Illinois program also illustrates the importance of P.L. 94-142 as an impetus for new policies regarding LRE. Although district officials had been considering public school programs for the severely handicapped,

it was only after enactment of the federal law that the participating school districts finally took the steps that they did.

In other districts, the decision to bring children back into public school programs has resulted from different circumstances. Interestingly, however, the nature of the decision -- to forge ahead with developing programs within the district for all handicapped children, without reservation -- is often the same. The Gwinnett County School district in Georgia, which has been successful in developing new programs for severely and profoundly handicapped students, further illustrates the importance of this initial policy commitment to less restrictive educational settings.

> Gwinnett County, on the outer ring of the Atlanta metropolitan area, is a rapidly growing school district. Out-migration from Atlanta and in-migration from northern states because of the economic boom in the area put new demands on the public schools in the late 1970's as well as brought new resources to the district.
>
> In 1979, despite several years under P.L. 94-142, many severely and profoundly handicapped students in the district, including severely emotionally disturbed and mentally retarded children, were not being served in the public schools. They were receiving care in several public facilities nearby, supported by the Georgia Department of Mental Health.
>
> District officials realized that the pattern of care had to change and that basic shifts in district policies would be necessary in order for this to happen. They recruited a new special education director (who in turn brought other staff) and gave the new administrators support in changing the district's policies.
>
> The new administrators believed strongly in the least restrictive environment provisions of P.L. 94-142 and both were committed to increasing the ability of

> Gwinnett County to serve all handicapped children, particularly the severely emotionally disturbed students who had been in segregated public and private facilities. They convinced the Board that these children should be brought into district programs immediately, arguing that this was more compliant with P.L. 94-142 and that, in the long run, costs would be less.
>
> Within two years, a program for severely handicapped children was developed in one of the elementary schools and children from the nearby mental health facility had begun to be enrolled in the program. Within another year, all children had been transferred to this program. Simultaneously, children began to move out of this special program into regular classrooms and other programs which, while in separate classrooms, were in schools with children of ages comparable to those of the handicapped students. Thus, over a period of three years, movement from self-contained private facilities had been made not only to self-contained classrooms within the public schools, but to placement at least on a part-time basis into regular classrooms. This program has continued in Gwinnett County, with an on-going extension of resources both into regular classrooms and through the development of new programs such as vocationally-oriented programs for special education students. (See Appendix E for a more detailed discussion.)

Gwinnett County, like the East Central Cooperative, illustrates the benefits of a strong policy commitment to education in the least restrictive environment. In Gwinnett County, the policy originated with administrators committed to these principles rather than with the school board. Nevertheless, when asked to ratify this policy direction, the Board did so and supported all the programmatic activities necessary to bring children into the public schools.

There are similarities between the East Central Cooperative Program and the Gwinnett County policies which are worth noting because they also characterize some of the districts discussed later in this chapter. First, the importance

of new personnel to the LRE policy decision is not uncommon. New personnel are often in the best position to change former patterns of service; they usually have less allegiance to older patterns of services and thus may be more willing to make major changes in their district's policies. (This is not always the case, of course, as new policy developments often can be blocked by impediments that are unrelated to personnel, such as negative financial incentives; when these are removed, long time staff can sometimes pursue new policies as vigorously as new staff.)

Second, school board support for LRE policies is essential in the long run. Many districts have attempted to implement new policies with only administrative commitment. In these cases, efforts are likely to founder when, for example, decisions are required about committing new dollars, or when a school principal objects to moving handicapped children into his/her school, unless board support is forthcoming. Board support must be constantly affirmed and nurtured because, as board membership changes, the commitment to LRE policies also can change.

Third, the cost implications of less restrictive alternatives must be addressed, ideally showing that school districts will face no adverse consequences. In the example of Illinois, the local school districts believed that public school programming for multiply handicapped students would not be more expensive than private school placements: This has proved generally true. In Gwinnett County, cost issues proved

less important because of the growth in the district's budget due to the county's rapidly expanding population. Nevertheless, the School Board proceeded with the policy commitment to bring seriously emotionally disturbed children into the schools with the understanding that it would not lead to uncontrollable new costs.

Finally, the two situations are similar in that both districts decided to open new programs quickly, bringing children into them as rapidly as possible. By not delaying the process, these school districts quickly placed their children, and thereby did not allow strong political opposition to develop.

After districts make the policy commitment to develop less restrictive settings, they must begin to implement the new programs necessary to accommodate those children who come into the district. The next section looks at policies that have enabled districts to successfully achieve this aspect of assuring education in the least restrictive environment.

B. Developing New Less Restrictive Alternatives

Development of new program resources requires answers to a multitude of policy questions. For example, districts must decide such issues as: What is the best jurisdiction for administering a new program? How can a district marshall the resources necessary for new programs? What type of new services and new programs can best meet the needs of specific

groups of handicapped children? How can these programs be established in the most cost effective manner? Generally, the crucial task is to ensure that the districts' available resources match the desired programs; this fit can result from a number of strategies.

One stragegy which has proven effective for many districts, particularly rural districts, is developing collaborative programs with other districts. Particularly for districts with low incidences of severe handicaps, a collaborative approach can expand educational opportunities, while spreading costs among a number of participating districts. If the jurisdictional problems involved can be resolved, collaborative programming can produce an expanded and less restrictive range of options, as programs in rural areas of Maine and Oregon demonstrate.

> In 1977, 11 school districts in Southern Penobscot County, Maine, formed a regional program to serve moderately and severely handicapped students in the public schools. The superintendents of these districts recognized that these children, previously served in private or state-operated facilities, could be better served in the less restrictive environments offered by the public school system. Because the number of these children residing in any one district was small, the superintendents chose to regionalize their efforts.
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> The superintendents were motivated to develop this regional program because of difficulties they had encountered with the private schools. The schools occasionally refused to serve children referred to them; the rate of return of handicapped students to public school settings was low; and even when children did return to public schools, they had difficulty adapting because the private school settings had been so different. As one administrator put it, despite the increasing concern about the problem, "We were getting further away from the whole

idea of LRE." Fiscal considerations also played a part: private facility rates were rising 15% each year and districts were worried that they could not serve severely handicapped children on their "starvation budgets."

In order to pool resources but minimize administrative costs, the superintendents of the participating districts adapted an unusual approach. They created an LEA-like structure that required neither special legislation nor a permanent regional staff. Along with the ten participating superintendents who serve as executive officers, the program is governed by a Board of Directors made up of School Board members from the region.

To finance the new regional program, each of its programs charges tuition, which is allocated to districts in proportion to the number of students each enrolls in the program. A small administrative budget of about $5,000 covers the cost of the regional advisory board. Clerical and bookkeeping services are billed to each participating district based on the district's pupil enrollment as a percentage of total enrollment in the region. Non-participating LEAs can enroll handicapped students in programs on a space-available basis.

The cooperative program has had several positive effects. First, it brought children back into the public schools. At the present time, there are fewer than ten children from the southern Penobscot region served in either private facilities or state institutions. Second, the cooperative arrangement has drawn superintendents more closely into special education programs. The superintendents claim that the program has enhanced their knowledge of handicapped students. Third, the superintendents agree that the regional program prevents districts from "dumping" handicapped students. The tuition fees for the program are sufficiently high that superintendents are not tempted to use them for routine placements when less costly alternatives exist in their districts. Fourth, while the costs of the public school program exceed the private facilities, superintendents seem comfortable with total costs because they see that students are better served. A final testimony to this program's effectiveness is that other regions of the state have replicated it. (See Appendix F for a more detailed discussion.)

A different solution to the jurisdictional problems of building collaborative programs can be seen in the special

education programs developed for severely handicapped children in Tillamook County, Oregon.

> When P.L. 94-142 went into effect, district superintendents in Tillamook County, Oregon, a rural area in Northwestern Oregon, were uncertain about implementation. Superintendents were worried about not only the paper work demands of P.L. 94-142 but their ability to provide services to low incidence children, particularly in less restrictive environments. Superintendents thus decided to form a consortium through the educational service district (ESD) in order to both avoid administrative burdens in each district and to ensure compliance with the federal law.
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> Prior to this time, special education programs in the county were serving children with speech handicaps and TMR and EMR populations, although even these children were in self-contained classrooms. More seriously handicapped children, including the seriously emotionally disturbed, were usually sent to state training schools.
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> Once the consortium was established, the Administrators' first task was to bring children who had been in state training schools back to programs in the districts. This required the development of new programs, including a series of learning resource centers as well as new TMR classes, all of which are on the campuses of regular school programs. Over time, staff of the ESD have been able to develop an increasingly comprehensive continuum of services in the ESD, building on the special education base provided directly by the districts. Staff have also worked hard to encourage greater inclusion of more severely handicapped children within each district.
>
> The consortium is governed by a special board made up of the superintendents of the participating districts. Core services are covered under a yearly resolution, approved by the participating districts. In addition, the superintendents propose special services which the ESD provides with the P.L. 94-142 funds each participating district transfers to the ESD. (See Appendix G for a more detailed discussion.)

Both Southern Penobscot and Tillamook County illustrate the advantages that small rural districts gain by

developing cooperative programs. These advantages include the following:

- Both programs cite the beneficial effects of having superintendents closely involved in the governance of the programs. Superintendents, in turn, agree that they have gained a great deal of knowledge about special education from their participation.

- The governance structure of both programs is adapted to local preferences and capacities. In Maine, the cooperative was designed for a limited purpose, to complement fairly strong district programs. Because of the exceptional degree of cooperation among the districts, the program evolved with a minimum of formal structure. In Oregon, the consortium assumed major, across-the-board responsibilities for special education, thereby requiring a more formal organization. But, as in Maine, the governance of the consortium by resolution rather than by separate contracts between the ESD and each of the participating districts is well-suited to local needs; i.e., it provides the consortium with the flexibility and authority needed in planning while superintendents still maintain ultimate accountability.

Most importantly, both arrangements have resulted in less restrictive educational opportunities for severely handicapped children. Seriously emotionally disturbed youngsters in each district are no longer placed in state institutions, private schools, or state training schools, but now are served within the district. While neither district claims to have achieved all of its LRE goals -- for example, Southern Penobscot continues to maintain a separate facility for seriously emotionally disturbed children, and Tillamook is still seeking the right mix of special classrooms and fully integrated programs -- both programs have made great strides in comparison with the service delivery patterns of only a few years ago.

The cooperative approach is only one way to maximize resources in order to develop new program alternatives. In larger school districts, a second approach has proven useful: administering programs cooperatively with other human service agencies. This joint administration strategy allows a district to gain access to more program resources without bearing the total costs. While this strategy has been used by districts of all sizes, it is particularly well-suited to large urban school districts with an abundance of human service programs. The Miami Unified School District's program for seriously emotionally disturbed students illustrates this approach.

> In the late 1970's, the Miami Unified School District identified seriously emotionally disturbed (SED) children as a group needing improved services. It was believed that these children were not receiving educational services appropriate to their needs, and, in addition, too many children were being served out-of-district or in unnecessarily restrictive placements.
>
> To develop a wide range of services for these children, the Miami school district entered into a series of arrangements with private agencies in the community. These new arrangements entailed the development of entirely new programs that were collaboratively designed, financed, and administered between the school district and the mental health agencies.
>
> Two programs were particularly important in expanding the service resources for seriously emotionally disturbed children. In the first program, the school district contracts with a private agency to provide an integrated day program for SED children. The program is administered in both private facilities and in regular schools, and its goal is to provide services that allow children to be reintegrated into regular school settings. Services provided include group counseling, individual therapy, and recreation therapy, in addition to the normal classroom programming.

The second operates in a regular school facility and consolidates a special assessment and planning function for SED students as well as an ongoing education program. Students move in and out of this program from regular schools depending on their need for the structure and intensive services provided by the program. While this program removes students from their regular school, students interact with non-handicapped children in the school in which the program is located, and return to their home school as soon as possible. (For more information on Miami's program, see the list of contact persons in Appendix L.)

The advantages of this arrangement for the school district and for achieving LRE are several. By making use of other agencies' resources, the school district can provide programs for which it otherwise might not have the resources. In addition, by tapping the professional expertise of the mental health provider agencies, the school district can make services available without duplicating another agency's staff -- a cost-effective approach in a time of restricted budgets.

Perhaps most importantly, Miami's programs are designed as complements to regular classroom programming. The placement procedures and educational programming which surround these programs seek to minimize SED students' segregation from regular classrooms. The movement between these programs and regular classrooms is constant, and interaction with non-handicapped students is built into the programs. In sum, Miami's goal has been to provide intensive and highly specialized services, in the least restrictive environment possible, through a combination of agency resources.

LEAs increasingly have used interagency programming similar to Miami's. (Other similar arrangements are described

in greater detail in Volume 2 of this report, "Effective Policies in the Provision of Related Services".) What is important to note is that these new interagency service programs can contribute greatly to a district's ability to carry out the LRE mandate. Without the arrangements, school districts may not have the full complement of services needed to serve specific groups of handicapped children. Thus, the use of other agencies' services reduces the strain that can develop between the mandate to have a full range of program options and the increasing constraints on agency resources. The two strategies discussed so far for developing new programs are basically resource strategies; both concentrate on maximizing dollars, one by establishing cooperatives, the other by using interagency programming.

A third strategy which districts have used to include and integrate handicapped children is to extend certain forms of educational programming to children traditionally excluded from these services. This accomplishes LRE in two ways: it increases non-handicapped children's interaction with handicapped children, and it provides a focus which has been lacking in the past in the educational programming for these children. This approach of "opening up" new program areas for handicapped children is perhaps best illustrated in vocational education. Examples are provided by the Cape Cod Regional Technical High School Program in Massachusetts and the Moore-Norman vocational program in Oklahoma.

Over a period of years, the Cape Cod Regional Technical High School Program in Massachusetts has expanded its services to handicapped youth, with particular emphasis on making services available to those with severe handicaps. This expansion represents a local commitment to integrate handicapped with non-handicapped students and was supported by a special vocational grant from the SEA.

In the sparsely settled Cape Cod area, handicapped students had limited employment and vocational training opportunities. Its small rural school districts had limited staff and financial resources to develop special programs. As a result, a full range of school programs was not extended to handicapped children. To reverse this pattern, Cape Cod Regional Technical High School staff took the position that they would provide as many options as possible for special needs students. Over the last six years, they have gradually expanded their services to the point that they can now accept virtually any referral from a local school district as part of their open enrollment policy. They provide assessment and design vocational options to meet individual students' needs and capacities. Services so provided are well integrated with those for the non-handicapped, rather than being provided in, or entailing, a separate and special program.

The expansion of vocational services has been beneficial both to the children and to the district's LRE capacities. As one special education director said: "Kids who otherwise would sit in a resource room and collect a diploma are now acquiring sellable skills." In terms of LRE, children who once would have been in segregated facilities are now being educated with non-handicapped children. (See Appendix H for a more detailed description.)

A similar increase in vocational opportunities for handicapped children has been pioneered in Oklahoma by the Moore-Norman Vocational Technical School.

Moore-Norman Vocational Technical School, located outside of Oklahoma City, is one of a number of vocational centers in Oklahoma that have steadily increased their services for handicapped children. Vocational services for handicapped children have long been a priority of the state special education

agency as well as of the state Division of Vocational Rehabilitation, and, increasingly, the state Vocational Technical Education program.

Moore-Norman integrates handicapped children into regular vocational classes after careful assessment and IEP development by special education and vocational education staff. Teacher aides, employed by the vocational education program, supplement the regular classroom resources when a handicapped child moves into a vocational classroom. However, although students may get special instruction within the classroom, the bulk of vocational programming is provided alongside that for non-handicapped children and by non-educators with technical expertise.

Moore-Norman maintains two classes for approximately 20 handicapped students; the remaining handicapped students are integrated with non-handicapped students. A "learning skills center" supports the academic program for both handicapped and non-handicapped students. An instructional services center has devised special vocational curriculum modules called "Learning Activity Packets" which are programmed instructional units that students complete at their own speed; when a student masters a particular skill level, he/she moves on to the next level. There is an open enrollment and open exit policy in effect at the school, so that students may enroll or graduate at any point in time, according to their own schedules. (However, secondary students must operate within the time framework established by their local high school.) This flexible curriculum and enrollment/ exit policy enables handicapped students to learn alongside non-handicapped students and at their own pace.

The Moore-Norman Vocational School also serves post-high school students, many of whom are handicapped. In fact, approximately 55% of its students are post-high school age. Many handicapped students who have already graduated from the local special education program are referred to the school by the local Vocational Rehabilitation agency. School staff develop IEP's for these students even though they are not required to do so by law.

In the past five years vocational programming for handicapped students has grown from an estimated 130 students in 1978 to the current level of 180 students. (This increase has occurred despite a drop in overall enrollment.) During the same period, the school has expanded the range of educational opportunities for these children, especially for more

severely retarded children and for emotionally disturbed children. (For more information on Moore-Norman Vocational Technical School, see the list of contact persons in Appendix L.)

Both of these programs illustrate the increased educational opportunities that can be gained by opening up vocational programming for handicapped children. While vocational programming is not usually thought of as a step toward less restrictive educational opportunities, it is just that when it increases the services available to handicapped children and brings handicapped children into contact with non-handicapped children, as in the Cape Cod Regional Technical High School and in the Moore-Norman Vocational Technical School. These programs illustrate a dimension of LRE not usually considered; rather than attempting to integrate handicapped students only into regular academic classrooms, more progress can sometimes be made by exploring other types of classroom activities whereby handicapped students actually may gain more educational benefits.

Whether it is done by any of the strategies described above, the development of new resources for handicapped children is perhaps the most important single task which LEAs face in building less restrictive educational opportunities. Without appropriate programming, any attempt to promote LRE serves neither the children nor the educational goals of the district. However, the sheer availability of new programs does not in itself guarantee LRE for any particular child unless procedures match the child with the appropriate

resource. Many LEAs have addressed this component of assuring LRE, which is examined in the next section.

C. Improving Placement Decisions as a Step Toward Educating Students in the Least Restrictive Environment

Placement procedures are crucial to LRE because they affect, first, whether a handicapped child is appropriately placed and, second, whether a handicapped child's educational program is constantly being reevaluated and tailored to the child's needs. While P.L. 94-142 gives great emphasis to procedures surrounding placement, certain school districts have gone beyond the law's minimum procedural requirements by either stressing the quality of the placement decision or including other agencies in the placement process. This section looks at two types of placement policies that have contributed to an increased number of appropriate placements.

> The Gwinnett County School District in Georgia has developed very explicit policies for placing handicapped children in appropriate settings. The operations manual developed by Gwinnett County details the considerations that are required before placing any child, and makes them available to both parents and teachers. Special education administrators have worked to refine these policies to assure that policies encourage placement in least restrictive environments unless strong justification can be given for more restrictive settings.
>
> These policies are enforced through close administrative review of all placement decisions. Because Gwinnett has given priority to developing programs for seriously handicapped students, special education administrators have carefully monitored the growth of these programs and referrals made to them. Pressure has also been kept on all separate special programs to constantly reevaluate students for reentry back into regular classroom programs. As with the initial placement process, written procedures for considering

this reentry have been developed and are updated regularly. (For more information on Gwinnett County's placement policies, see the list of contact persons in Appendix L.)

Gwinnett County's emphasis on constantly reexamining their placement procedures illustrates the district's concern that accomplishments in achieving appropriate placements must be protected by constant attention to evaluation and placement processes. District administrators also view the placement process as a key to identifing any unmet needs that current educational programming has failed to address. This close tie between diagnosis and planning for specific children and the administrative review of available resources ensures that, beyond procedural protections, the actual quality of educational programming meets the students' needs.

Gwinnett County's emphasis is on getting a high quality decision using traditional placement procedures. Other districts have developed unusual arrangements to assure that students with special needs receive specialized and comprehensive assessments. In addition, some districts have attempted to unify special education assessment procedures with those used by other human services agencies. Contra Costa County in California illustrates this even more elaborate assessment method.

> Contra Costa County, California has developed a special assessment unit for handicapped children receiving services from more than one agency. This assessment unit is a cooperative venture between the local school district, the Department of Mental Health, and the Department of Youth Services, which handles all juvenile offenders. County

administrators believed that these agencies were often serving and making placement decisions about the same children and that it was thus essential to coordinate the assessment process.

The special assessment unit is located administratively in the County Department of Mental Health which supervises its operation and hires its staff. However, the assessment process follows all the procedures necesary to comply with P.L. 94-142 as well as with state and local mental health guidelines. Children are referred to the assessment unit by the schools, by the Department of Mental Health, and by Correction Officers whenever a child's problem seems too difficult or too complex to be addressed through normal programming procedures. The program ensures that the necessary expertise is brought to bear on the child's problems, that all the resources available in the County are considered for placement, and that there is a coordinated effort among agencies to serve the child.

Administrators of the program believe that it has enhanced the quality of assessment for seriously disturbed children. It also helps assure that these children will be referred to placements appropriate to their needs, often in less restrictive environments than otherwise would have been the case; the assessment team is better able to determine when a regular setting can provide adequate service for a child. Finally, the assessment team has been useful in identifying services that should be provided by the school district or by another human service agency in order to meet the needs of children. In this way, i.e., by spurring development of additional resources within the County, the program has reduced the out-of-district placements that would have been made because these resources were unavailable.

Contra Costa County officials hope that the assessment service can become even more powerful in reducing inappropriate placements for children. They foresee a time when the service may act as the case management agent, monitoring the progress of children and ensuring that children are reintegrated into normal settings after they have been placed for a period of time in more intensive care settings. (See Appendix I for a more detailed description.)

The Contra Costa example illustrates the key role of assessment and placement policies as part of an overall system

of education and related services. These policies assume even more importance when education agencies are not the primary agencies likely to place children in day or residential programs. A placement mechanism such as Contra Costa County's allows the principles of least restrictive environment, as established by P.L. 94-142, to be extended into other human service agencies' operations. In the long run, this mechanism guarantees that program administrators have used uniform or at least similar, criteria in making placement decisions. Students and parents also benefit because they are not forced to cope with one standard for appropriate placement used by the education system and quite another in the mental health or juvenile justice system.

D. Changing Attitudes about the Education of Handicapped Children in Relation to Non-Handicapped Children

Ultimately, no matter how clear and explicit a district's written policies, much of the value of education in a less restrictive environment depends on intangibles such as the attitudes of students, teachers, principals, and school board members. From this perspective, mere placement of a child in either a regular school or a classroom with non-handicapped children, by itself, is only one aspect of the issue. What the school district must try to ensure is that handicapped children are accepted in this setting, that their presence is seen to be beneficial to both handicpped and non-handicapped students alike, and that a process of normalizing relationships ensues. These are difficult matters to address

through written policy alone, so school districts have had to initiate a number of activities to generate these attitudes.

A technique for changing attitudes that seems particularly effective is the policy of "reverse integration," i.e., bringing non-handicapped students into classrooms for handicapped students. This practice promotes interaction between handicapped and non-handicapped students, even when the handicapped students require the structure and intensive individualized instruction that is possible in a separate classroom and thus are unlikely to enter a regular classroom. Two examples, used by districts that also have instituted strong policies concerning the least restrictive environment mandate, give a sense of the benefits of reverse integration.

> The Santa Barbara School District in California began its program of reverse integration on a small scale. Because it proved so popular with both students and teachers, they have expanded its use. As part of this program, non-handicapped elementary school students come into classes for severely and profoundly handicapped and multiply physically handicapped students on a regular basis to serve as aides to the teachers and companions to the children. Approximately 25 students currently participate in this program. Santa Barbara School officials indicate that their problem is not one of obtaining enough non-handicapped volunteers, but instead being able to provide supervision and structured activities for the number of elementary students who want to participate.
>
> In the views of Santa Barbara officials, the benefits of this activity are several. Non-handicapped students participating in the program not only have their own attitudes changed, but go back to their regular classroom, where they help change the attitudes of their classmates.
>
> Because of the publicity this program has achieved, its effect has been even broader. Parents and other members of the public who may realize the value to be

gained from the interaction of handicapped and non-handicapped children may change their attitudes, (a change that is, admittedly, hard to assess). Santa Barbara administrators report that, at a minimum, the favorable publicity and response to the program by students, teachers and administrators has made even initially recalcitrant school principals more favorable toward close ties between special and regular education programs. (For more information, see the list of contact persons in Appendix L.)

A similar type of reverse integration program exists in Bettendorf, Iowa.

> The Bettendorf School District has pioneered an instructional program in its high school of "practical classes" which offer another level of services that bridge the gap between resource education and regular teachers, including handicapped students as well as students who are not handicapped but whose academic records show academic difficulties.
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> These classes provide resource instruction in regular classes, thereby extending the continuum of services available and increasing the amount of time that handicapped students maintain contact with non-handicapped students. The philosophy behind the program is that special help should be provided in regular classes whenever possible, rather than taking students out of the classroom and serving them in separate resource rooms. At the same time, special instruction is extended to non-handicapped students who are not achieving minimum progress in regular classes -- the so-called slow learner.
>
> The Bettendorf program appears to be somewhat unique in that it explicitly seeks to break down the barriers between regular and special education. By combining faculty and students of special education and regular education, the program has helped foster more positive attitudes regarding handicapped students. Teachers report improved performance by students, and parents appear to be happy with the results of the program. (See Appendix J for a more detailed discussion.)

By themselves, the efforts in both Santa Barbara and Bettendorf cannot make major break-throughs in educating

handicapped students in less restrictive environments. However, they do illustrate a central truth about LRE. Ultimately, elaborate policies mean nothing if classroom interaction does not both promote effective and extensive educational opportunities for handicapped children and, simultaneously, provide a greater opportunity for interaction with non-handicapped children. In achieving this dual goal, the attitudes of all those who surround handicapped children, as well as the attitudes that handicapped children themselves bring to these opportunities, determine whether the principles of LRE will lead to better education.

E. Achieving an Overall LRE Strategy

This volume has analyzed LRE policies ranging from state agency policies that establish a context for local decisions, to specific classroom "policies" which seek to change attitudes. To fully achieve appropriate educational opportunities, a district must address all the tasks this section discusses. That is, districts must explicitly, and in writing, commit themselves to LRE; they must develop the new programs necessary to increase educational opportunities; they must monitor the placement process to ensure that a handicapped student is matched appropriately to an available program; and they ultimately must affect a change in attitudes toward handicapped children.

Several of the districts already mentioned in this report have addressed all these dimensions of achieving LRE.

In addition, two other districts we examined have pursued such a complete strategy effectively. One of them, Tacoma, Washington, has had a long history of educating children in the least restrictive environment that pre-dates P.L. 94-142. This practice has been strengthened in recent years. The other district, Riverside Unified School District in Riverside County, California, focused on LRE more recently. But it, too, deliberately set out to address all of the tasks mentioned above. The ways in which each of these districts achieved its goals, adapting the principles of LRE to local conditions, illustrates the full benefits to be achieved when districts make such a strong and total commitment.

> Tacoma's system of "progressive inclusion" of handicapped children has been developed and implemented over a twenty year period. It is described by special education officials as a "dynamic, decentralized, cooperative system patterned after the needs of the changing child," and its goal is to have the resources of the entire school system available to handicapped children.
>
> Tacoma Public School's progressive inclusion program began in 1958, when a two and one-half year study to investigate the incidence of handicapping conditions in the district was launched. The study was quickly broadened to an examination of how best to educate handicapped children and at its conclusion, a philosophical and policy commitment was made which has guided Tacoma policy ever since: "... exceptional children need to live and learn with others... Our (present) educational psychology and practice are calling for an education together rather than apart."
>
> In implementing this philosophy, Tacoma immediately closed its separate school for 120 moderately to severely handicapped children, and began establishing new, in-school programs. If an appropriate program did not exist for a specific handicapped child, it was created. The concept of mainstreaming was central to program development: new programs were

opened in any school within the district, depending upon which school would provide the greatest interaction with non-handicapped children. Tacoma administrators stress that programs and facilities are arranged in a manner that makes it possible to include in regular school activities all handicapped children according to their own educational plans.

Tacoma's policy of progressive inclusion is by now so well established that it pervades all aspects of public school operations. The district has had only two out-of-district placements in the past twenty years and state and local officials concur that they have met their goals of fully integrating handicapped children and special education programs into the public schools. (For more information on Tacoma's program, see the list of contact persons in Appendix L.)

Tacoma's public school policies to promote LRE have become so much a part of overall school policies that they are difficult to distinguish from general education policy. Yet the program continues to develop. In recent years, new programs have been initiated to both establish closer ties to other human services agencies and to better serve additional populations, such as handicapped infants, not covered by Washington State Law.

While Riverside Unified School District's policies are much more recent in origin, they are similar in intent to Tacoma's.

The Riverside Unified School District in southern California has adopted a district-wide policy that has led to a number of activities which address the goal of providing services in the least restrictive environment. Riverside's approach attacks the problem of providing educational services in the least restrictive environment on multiple fronts, all of which are guided by a common policy statement. That statement articulates the district's commitment to serve all handicapped students in an accepting, productive environment that is least restrictive.

To do this, the district formed an LRE "standing committee" made up of top level district staff; the membership changes partially each year to guarantee that all staff remain committed to the LRE goal. The committee has taken the lead in changing district practices since it has strong support from the Board of Education and the Superintendent. First, it decentralized IEP meetings to each school site rather than continue them at a central administrative site. An Alternative Program Team at each school systematically explores any alternatives before placing a child in a special education program.

Next, the committee worked with the district Pupil Placement committee to review all special education placements to ensure that each handicapped child was served (1) within his/her neighborhood school if possible, (2) in neighborhood clusters of schools as a second alternative, and (3) in another school in the district or out of the district if no in-district placement is appropriate. Physical structures have been modified when necessary.

The LRE committee has sponsored periodic in-service workshops for administrators and teachers and arranged for regular education administrators to exchange permanent positions with special education administrators. Regular education and special education teachers also exchange positions for a day in order to better understand each other's functions. Non-handicapped students are used as "cadets" or helpers in special education classes and parents are educated about the desirability of serving handicapped students with regular students through local PTAs. While Riverside maintains two separate schools for handicapped students, the enrollments are declining in each. One school is primarily for pre-school children, many of whom often go to regular schools in first grade. (See Appendix K for a more detailed discussion.)

Although the effects of Riverside's policies are not yet complete, their approach is noteworthy because it views LRE as a policy perspective that must be pursued in all district activities. Riverside's policies state explicitly that placements are only one facet of LRE and that equal attention must be paid to other areas such as attitudes con-

cerning the education of handicapped children and personnel policies that encourage links between regular and special education. The district's actions have been consistent with this broad perspective. For example, in their in-service workshops, district staff emphasize that appropriate services in the least restrictive environment involve much more than just mainstreaming handicapped children.

The strong policy commitment to achieving appropriate educational opportunities for all students distinguishes both Tacoma and Riverside from other LEA's that have approached this goal in more limited ways. Moreover, both districts have established policies to promote services in the least restrictive environment in such a way that they are virtually indistinguishable from their general education policies. In Riverside, the policies affected administrators of both special education and regular education. For example, Riverside's policy encouraging principals of regular schools and principals of special schools to trade jobs is an example of an effort to break down barriers between general and special education. Similarly, in Tacoma where all handicapped students are served on regular campuses in conjunction with non-handicapped students, the policy of progressive inclusion has become an integral part of general education policy.

The two districts share three additional policy emphases that are useful guides for other districts trying to accomplish the same ends.

First, both districts started with an overarching theory of education in the least restrictive environment. In Tacoma, this theory was "progressive inclusion." Riverside adopted the administrative approach to LRE developed by JWK International Corporation (a private consulting firm) and disseminated to California LEAs by SEA-sponsored in-service training sessions. Some of the difference between the two districts' approaches can be tracked to these different starting points. While the Riverside approach is more administratively oriented, the Tacoma approach continually emphasizes its philosophical underpinnings. Also, as a result of the progressive inclusion theory, Tacoma has eliminated all special school facilities in favor of programming in regular schools.

Second, both districts have emphasized the importance of gaining commitment to LRE among district personnel at all levels. Especially in the early years of its programming, Tacoma pursued this goal through intensive staff recruitment and staff training efforts. Riverside has had a comparable emphasis on involving administrative personnel, principals, and teachers in its standing committee. In both districts, officials credit this active dissemination of an LRE orientation as a key factor in building widespread support for programmatic change.

Third, both districts emphasize the importance of careful programmatic planning that is based on the needs of individual children. Districts must assess needs carefully,

adjust available resources when possible, and ultimately be prepared when necessary to commit new resources to new programs. Tacoma illustrates, however, that the great majority of programming can be done, not through discrete, separate programs, but in the context of regular school programming. Riverside too has been able to achieve many of its goals by adapting the LRE process to on-going school board decisions about programming and facilities, thereby not requiring "special" policy decisions that were separate from those affecting regular education.

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APPENDIX A

SPECIAL SCHOOL DISTRICT NUMBER ONE

LOUISIANA

SPECIAL SCHOOL DISTRICT NUMBER ONE

LOUISIANA

SUMMARY

In 1977, the Louisiana legislature passed a law, Act 754, creating a special school district to provide an educational program to handicapped children aged 0-21 in 16 public institutions. Known as Special School District Number One, this district is funded through a separate line-item in the state budget and is headed by a superintendent who reports directly to the State Superintendent. The district maintains an enrollment of 1900 students, employs 600 staff, most of whom work directly in the institutions. and supports a budget of $14.5 million.

Since its creation, Special School District Number One has achieved its primary objective of enhancing educational services to handicapped students in state institutions. Prior to this act, handicapped students in institutions received an education from the institution in which they resided, designed and operated by the Office of Mental Health and Substance Abuse, the Office of Mental Retardation, or the Department of Corrections and sometimes carried out by LEA's. Since the special school district was created, teachers must now be certified by the Board of Education and students receive an education provided by an education agency in a more school-like environment.

OBJECTIVES AND TARGET POPULATION

The intent of the establishment of Louisiana's special school district was to improve the quality of education provided to handicapped students in public institutions and to bring their educational program into compliance with P.L. 94-142. The legislation creating Special School District Number One was meant to focus attention on the educational needs of handicapped students (aged 0-21) residing in public mental health, mental retardation and correctional institutions.[1] Officials recognized that these students had not been given adequate attention. The creation of a special school district was designed to bring education dollars, staff, curricula, and standards to the educational program for handicapped students residing in state institutions.

DEVELOPMENT OF THE POLICY

Beginning in 1976, the Director of Special Education in Louisiana began several initiatives to bring the education program into compliance with P.L. 94-142. One such initiative was targeted at handicapped students in state institutions -- students who previously had received little or no attention by education officials. Louisiana operates an equalization program to assure that every student has available a minimum amount of educational resources regardless of the district in

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[1]Three state-operated facilities -- one for deaf children, one for blind children, and one for orthopedically handicapped children -- were not included in the special school district.

which he or she lives. Special education officials sought to extend this equalization principle to handicapped students in state institutions so that these students would receive an educational program comparable to that of other handicapped children in the state.

In addition to extending equal financial resources, special education officials sought to focus programmatic and policy attention on students in state institutions. The education department had maintained no responsibility for handicapped students in public institutions and did not monitor their educational programs. Creation of a special school district was therefore intended to bring the educational programs of these students under the direction of the State Board of Education instead of left up to the agency operating the institution.

Originally, the legislature considered establishing three different special school districts: one for institutions run by the Office of Mental Health, one for institutions run by the Office of Mental Retardation, and one for institutions operated by the Department of Corrections. However, the legislature decided to establish a single school district for all state institutions because they wanted to focus attention on the <u>educational</u> program in each institution regardless of the particular type of institution involved. Making a separate school district for the Department of Corrections, for example, would make education subservient to the primary goal of security. Thus, the legislature sought to create a

mechanism that would cross alld istrict and agency boundaries in order to better meet the educational needs of handicapped students residing in state institutions.

The financial plan for the special school district was detailed in the legislation. State education monies were appropriated through a separate line item in the budget. In the first year of operation, 1979, the legislature appropriated $2 million of state education money. Other state and federal funds are added, (see page 6 below.)

In addition to these funds, the legislature initially required the local district where the handicapped child lives to add an amount equal to the per-pupil expenditure in the district. Two years later this provision was eliminated since the state found it cumbersome to bill the LEAs and the LEAs disliked the added cost. Prior to the special school district, money for the children's educational program flowed from the legislature to the state agency operating the institution and from P.L. 89-313 funds.

These and other details were worked out by staff of the special education division of the SEA. The Superintendent was supportive of the idea and carried it to the legislature. The Office of Mental Retardation was also supportive of the plan; the Office of Mental Health and the Department of Corrections took a "watch-and-see" attitude, unsure of how the plan would actually work.

The final bill, Act 754, was passed by both houses of the legislature and signed into law in 1977.

IMPLEMENTATION

It took two years to set up the special school district following the legislation passed in 1977. During those two years, central administrative staff were hired and plans for implementation were detailed. A Superintendent of the district was appointed and three Assistant Superintendents hired: an Assistant Superintendent for Administration, an Assistant Superintendent for Instruction, and an Assistant Superintendent for Interagency Activities. The administrative staff set up their headquarters in Baton Rouge and began hiring teachers, teacher aides, diagnosticians, and principals to staff the local schools in each institution.

Special School District Number One was originally established as part of the special education division within the SEA. However, after two years, it became clear to some officials that subsuming the special district under the bureaucracy was hindering its efforts. Operational delays and elaborate technical procedures were limiting its opportunities. The State Superintendent therefore took it out of the special education division and made it an independent unit that reports directly to the State Superintendent. The district now hires and fires its own personnel and maintains its own budget. Several officials noted that establishing the special school district outside the Department of Education has allowed it to function more effectively and avoid bureaucratic entanglements.

Since 1979, when the legislature appropriated $2 million, the special school district's budget has risen to $9.5 million in 1983. Another $5 million from P.L. 89-313, P.L. 94-142, Title XIX, and state general appropriations are added to this for a total of $14.5 million in 1983. Some 1900 students are enrolled in the district with approximately 600 staff persons. Salaries are made commensurate with the salary schedule of the district in which the institution is located and pro-rated for 260 days rather than the normal 180-day school year.

Recently, the school district worked out a financial arrangement in which the Office of Mental Retardation uses its money for the state match to draw increased Title XIX (Medicaid) dollars from the federal government to be used for the educational program of mentally retarded students. Because Louisiana considers all children in institutions placed there for treatment purposes rather than for educational purposes, and because Medicaid allows reimbursement for paraprofessionals working with mentally retarded children, the state budget office succeeded in arranging for increased Medicaid reimbursement. The Office of Mental Retardation contracts with Special School District Number One, in effect giving them increased Medicaid dollars to reimburse paraprofessionals working with mentally retarded children. This principle maximizes federal funds so that state monies can be used elsewhere.

EFFECTS

Top level officials in the Office of Mental Retardation, the Office of Mental Health, and the Department of Education expressed favorable reactions to Louisiana's special school district. Although they agreed that certain problems remained to be worked on, they all believe that the special school district has achieved it primary goal of enhancing educational services to handicapped students in state institutions. Implementation of Act 754 appears to have successfully focused attention on this group of handicapped children. These students are now participating in an environment that is more like regular school than ever before. As one official stated, "We have proved that the mechansim is in place and is working."

The quality of staff working with these children has markedly improved since creation of Special School District Number One. New educational certification requirements boosted the standards by which teachers were hired through the special school district.

Also noteworthy is the degree of collaboration achieved between the special school district and the agency operating the institution. Before the special school district came into existence, there was considerable confusion over which agency was responsible for what services among LEAs and the other agencies. Since the special school district began operating, territorial questions have subsided as each agency has learned who is responsible for what. During the first couple of years

of operation, there were some difficulties among staff who questioned pay differentials between the two agencies, but time seems to have resolved such difficulties. One of the reasons these territorial questions have been resolved is that the top staff of each of the agencies are committed to the plan. The Director of the Office of Mental Retardation and a high level official in the Office of Mental Health are both former special educators. With these leaders understanding the field of special education, collaboration has more quickly filtered down to the operational level.

A final positive effect of the special school district is that very young handicapped children aged 0-2 are now receiving attention from the education agency. Formerly, these very young children were not given an educational program. Louisiana plans to include this age group in its state-wide legislation in 1985. The special school district has enabled these young children residing in state institutions to be served by an education agency two years before the state mandates services to all children age 0-2.

Within this overall success, administrators note that several problems remain to be worked on. First, education is still being provided to handicapped students in a residential setting when a less restrictive environment may be more appropriate. However, the number of handicapped students residing in state institutions is decreasing rapidly through attrition, especially for school-age admissions. In 1983, approximately 60-80% of all children living in these

institutions are at least sixteen years old. With diminishing referrals, the missions of these state institutions may be likely to change over the next 4-6 years.

A second problem is one of internal management. The central office staff has been caught up in political patronage difficulties which have hindered efficient operation. Central office staff are not classified as civil servants because other LEAs are not under the civil service system. The State Superintendent is elected in Louisiana, making it relatively easy to appoint political allies. Several persons believe that better management skills are needed at the central office and in the field.

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APPENDIX B

THE DEPARTMENT OF THE YOUTH AUTHORITY

CALIFORNIA

THE DEPARTMENT OF THE YOUTH AUTHORITY

CALIFORNIA

SUMMARY

The California Department of the Youth Authority (CYA), working closely with the State Department of Education, has strengthened its efforts to provide special education and related services to handicapped children in state correctional facilities. Pursuant to an interagency agreement between CYA and the Department of Education, CYA is implementing procedures to better identify handicapped youth and provide them with an appropriate education. Major activities have been to establish an assessment system, develop IEP's for all handicapped students, attain community involvement through use of volunteers as surrogate parents, and maximize the interaction between handicapped and non-handicapped students in a manner that is appropriate to the needs of both. In addition, DYA staff have been retrained in order to meet state special education certification standards. The Department of Education has supported DYA's efforts with funds for training and related services as well as with strong technical assistance and consultation. The result has been a marked increase in educational programming in all ten of the institutional schools in California's correctional system which serve youth.

TARGET POPULATION

The Department of the Youth Authority serves approxi-

mately 6,000 youth between the ages of 13-24 (average age 18). These youth, including those adjudicated as delinquents and those convicted of adult crimes, reside in residential facilities throughout the state. Approximately 12% of the population attending schools in CYA facilities are identified as handicapped at the present time.

While the full range of handicapping conditions are represented in CYA facilities, the majority of the handicapped students have learning disabilities, emotional disturbances, or language handicaps. In addition, many of the more violent, "acting-out," patients from the state hospitals for the mentally and emotionally disturbed, have been received by the CYA to insure a more secure program. Some of the youth entering Youth Authority facilities have already been identified by local school districts as requiring special education, while others have not yet been classified as handicapped (particularly the many school drop-outs in the CYA population).

OBJECTIVES

The specific objectives of the interagency agreement in which the Youth Authority assumes responsibility for educating its own handicapped students include the following:

- To identify handicapped students by means of a thorough assessment of each student;
- To develop IEP's and make placement recommendations for each identified handicapped student;

- To provide educational services to handicapped students in an educational setting that promotes maximum interaction between handicapped and non-handicapped students in a manner that is appropriate to the needs of both; and
- To increase the number of certified special education teachers in the Youth Authority system.

DEVELOPMENT OF THE POLICY

In the years immediately following passage of P.L. 94-142, CYA's special education programming was not extensive. The Youth Authority faced a host of problems in complying with the federal law: it had a large instititionalized population; the turnover among incarcerated youth was high; and many of the institutional superintendents did not view special education as an essential part of correctional programming. Even though school programs within CYA had always been subject to California's Education Code (thus giving the Superintendent of Schools the authority to monitor CYA programs), little attention had been paid to special education services in CYA facilities.

Thus, when the Department of Education prepared to monitor CYA for compliance with P.L. 94-142, both state agencies realized that extensive new programming and policy development would be necessary to bring CYA into compliance with federal and state law. An interagency committee was established to define the areas in which CYA would need to make improvements and to produce an interagency agreement indicating the commitments both agencies would make to strengthen CYA programs.

At this point, CYA considered the option of establishing itself as a special school district, similar to the model pioneered in Louisiana. After studying this option, CYA officials decided against it, in part because it required legislation and in part because of resistance from some institutional superintendents. Instead, CYA officials chose to assume direct responsibility for special education programming, with support as necessary from the Department of Education. After a period of negotiation, an interagency agreement was signed and became the basis by which the Department of Education could hold CYA accountable for its special education programming.

Both CYA and Department of Education staff realized, however, that the interagency agreement was only a beginning. By itself, it accomplished little in the way of improved programming. In the years that followed the agreement, CYA and Department of Education staff began the tougher task of building sound special education programs.

IMPLEMENTATION

To implement its plan, the Youth Authority spent one year developing specific operational procedures -- in effect, a new special education delivery system. Responsibility for special education programming was centralized under an Education Administrator for Special Programs within the Institutitions and Camps Branch of CYA. Resource Specialists (one for each facility) were recruited and hired to supervise special

education services at each facility and be responsible for complying with all state and federal policies there. Because so many of the special education procedures were new, CYA officials recognized that CYA education staff would have to be carefully retrained. For many Youth Authority teachers, this meant training for certification so that they would meet state standards as special education personnel. To date, over 50 staff have qualified for special education credentials.

A detailed operations manual was developed to identify specific procedures to be followed by CYA staff. An IEP team -- made up of an administrator, teacher, psychologist and parent surrogate -- was designated in each youth correctional facility. This team is responsible for initial screening to identify all handicapped students. (All students newly committed to the reception center, all recommitted students, and all parole violators are screened). Students with identified handicapping conditions or those suspected of having a handicap from the initial screening are referred for assessment. Based on the assessment information, the IEP team determines whether a student is eligible for special education. If so, an IEP is developed and a specific educational program recommended. All procedural safeguards are assured.

The services provided by the Youth Authority, under the supervision of a Resource Specialist at each facility, include the following (as and if necessary):

- language and speech instruction
- audiological services

- physical therapy and occupational therapy
- visison services
- counseling and guidance
- tutorial services for youth confined for a physical condition for 30 days or more when they cannot participate in classes;
- specialized vocational education
- psychological services
- health and nursing services
- social work services

Two of the biggest problems the Youth Authority has faced since beginning to implement its new special education programs stem from the high turnover rate within their facilities and the difficulty of serving seriously emotionally disturbed students. Because many youth are in custody for less than a year, the Youth Authority has been frustrated in its attempts to provide sustained educational programs to individual youths with special needs. In some cases, a youth is released not long after his/her assessment has been completed, leaving little time for the educational plan to be implemented. Thus, it is often difficult to measure progress, and staff are left with the feeling that their intensive work in assessment has had little effect.

The second problem involves emotionally disturbed students, a group that is difficult to serve in any situation but particularly in correctional settings. The Youth Authority historically had little experience in serving these adolescents as most of them had resided in state mental health

facilities. Now that the Youth Authority has found itself responsible for educating more of these students, they are attempting to develop programs which can meet the complex needs of this group of students.

EFFECTS OF THE POLICY

The effects of the interagency agreement between the Youth Authority and the SEA have been positive, leading to a dramatic increase overall in special programming for handicapped youth. However, the effects have varied in each correctional facility. A major factor in determining how closely the new procedures are followed is the support they receive at each institution. Among institutions whose superintendents perceive special education as a valuable service, progress has been apparent. In other facilities, particularly those geared to older adolescents, where some superintendents viewed special education as a difficult task that was not integral to the purpose of the institution, the system has not taken hold as quickly. Thus, CYA is not yet fully in compliance, but progress is continually being made.

Because the natural parent/child ties are often severed in the case of adjudicated youth (that is, the youth becomes a ward of the state), the Youth Authority is in the process of appointing surrogate parents for all handicapped children. The Youth Authority recruits surrogate parents from foster grandparent programs and other voluntary organizations, finding persons who understand the advocacy process and who

will act on behalf of the youth. Under CYA's new policies, these surrogate parents will grant permission for assessments and participate in IEP meetings.

For the Youth Authority, the interagency agreement has resulted in funds being transferred from the SEA to the Youth Authority to help meet CYA's new responsibilities. During the first two years of operation, the Youth Authority received an extra $300,000 per year for education purposes. It has also received assistance in staff training from the State Education Agency, and the SEA has monitored the Youth Authority's programs.

Youth Authority officials expect continued improvements in their programming. To this end, CYA officials have requested increased technical assistance from the SEA. However, in light of federal cutbacks to the SEA in training and discretionary funds, extensive fiscal, technical, and staff assistance in the near future is in doubt.

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APPENDIX C

REDUCING OUT-OF-DISTRICT PLACEMENTS

COLORADO

REDUCING OUT-OF-DISTRICT PLACMENTS

COLORADO

SUMMARY

Colorado licenses all out-of-home residential facilities including foster care homes, group care homes, private residential schools, and Residential Child Care Facilities (RCCF's). The Department of Social Services is responsible for programs in these facilities and has traditionally paid for the costs of foster care, mentally retarded, developmentally disabled, and delinquent children residing in these facilities. The State Department of Education, recognizing its responsibility for the education of these children under its own state law and P.L. 94-142, developed an interagency agreement with the Department of Social Services that set parameters for joint placement decisions, funding, and monitoring of RCCF programs.

Rather than continue to perform functions separately, the two departments agreed to: (1) jointly develop an IEP and secure an appropriate placement for handicapped children who may need care outside their own home; (2) jointly provide an assessment and evaluation report to the court which is responsible for placement and review, including documentation that the placement is in the least restrictive environment; and (3) jointly finance such placements in such a manner that the Department of Education pays for all special education and related services identified in the IEP and the Department of

Social Services pays for all care and maintenance costs associated with the placement regardless of which agency has referred the child. The county department of social services must notify the LEA within 30 days prior to any change in placement.

At the same time this agreement was being developed, the Colorado legislature passed Senate Bill 26 (SB 26) which attempted to encourage development of community alternatives so children placed out-of-home could return to their home communities. The purpose of the legislation was to reduce out-of-home placements so children could be served in less restrictive settings and to halt the rapidly escalating costs of serving children in RCCF's. SB 26 allowed for a fixed allocation to counties of Social Service foster care funds (i.e., all RCCF funds) and allowed counties to use these funds to develop alternative community services, lifting previous restrictions that the funds be used solely for residential care. Each county commissioner could appoint a Placement Alternatives Commission (PAC) made up of broad community representation to develop a local plan for establishing alternative programs that would enable children in RCCF's to return to their home communities. Counties with approved plans could use all or part of their foster care allocation for alternative services such as, for example, intensive family treatment, independent living programs, therapeutic foster care, and day treatment programs for emotionally disturbed adolescents. Together these two acts -- one an

interagency agreement and the other a piece of legislation -- form a coherent policy being promulgated by the two agencies to jointly serve a population of mutual concern in a manner that encourages community-based treatment.

DEVELOPMENT OF THE POLICY

Prior to 1979, the Colorado Department of Social Services paid for all RCCF placements and the foster care line item in its budget could only be used for such placements. With the implementation of P.L. 94-142 and Colorado's own state special education law, the Department of Education recognized the need for joint efforts with regard to children placed in RCCF's. At the same time, the Colorado legislature became concerned with the number and costs of out-of-home placements among children in general. In 1978 the Office of State Planning and Budget conducted a study of out-of-home placements and found that:

- Many incentives existed to place children outside the home;
- Rapid escalation of RCCF costs had required major supplemental appropriations;
- RCCF caseloads were growing at a faster pace than the general population;
- Evaluations of program effectiveness were non-existent;
- Placements were often determined without regard for educational needs.

The General Assembly considered the recommendations which grew out of this study during 1979 and the result was passage of SB 26, signed by Governor Lamm on July 3, 1979. There was

general consensus among legislators as well as members of the executive branch that Colorado must reduce the growing rate of placements of children out of their own homes, including handicapped as well as non-handicapped children, and must decrease the pattern of rising expenditures associated with such placements.

The State Department of Education played a minor role in the development of SB 26. The Joint Budget Committee (JBC), which is unusually powerful in Colorado, initiated the legislation in response to the 1978 study mentioned above. Because Colorado was using its own state funds to pay for children placed in RCCF's, the JBC became concerned at the costs of such placements. Between 1975 and 1980, the foster care line item increased 100% from $16 million to $32 million. Counties were being reimbursed for 80% of their costs, with no ceiling. Each year the SEA was able to obtain a supplement from the legislature. Moreover, the Committee was concerned that counties were inappropriately placing children outside the home, an act which violated the concept of serving children in the least restrictive environment.

At the same time, the Department of Education and the Department of Social Services began discussions about the appropriateness of residential placements. Both felt that many children did not need to be in RCCF's if adequate educational and alternative treatment programs existed in each community. The Department of Education took the lead in establishing an interagency agreement with the Department of

Social Services that would define the respective roles of each agency in serving children for whom they were both responsible. (See Volume 2 for a more detailed discussion of Colorado's interagency agreement).

IMPLEMENTATION

While the Department of Education took the lead in working out the implementation of the interagency agreement, the Department of Social Services assumed responsibility for implementing the legislation. At the state level, an interagency committee was formed to review local PAC plans. These plans provided for alternative services in the community to prevent out-of-home placement and institutionalization. Department of Education personnel sit on this committee and jointly review all local plans which may be approved by the State Department of Social Services. The Department devised a new formula for the foster care allocation to the counties. The amount appropriated from the legislature was now capped with a provision for some indexation, though for less than the rate of inflation.

All local districts began implementing the state agreement in September 1981. Adams County, a suburban county just north of Denver, exemplifies what appears to be effective collaboration between the county department of social services and the county special education system which is comprised of five school districts. Following the approval of the state agreement, the county department of social services met with

each of the five school districts in the county and is now finalizing specific agreements with each one. These local agreements specify that the county department of social services and the LEA will "meet the expectations as set forth in the [state] agreement," and set up a procedure for placing a child in an out-of-home placement or in an alternative program. The first step in this process is a staffing by an interagency committee designed to assure early intervention by the school district, social services and other community agencies. Representatives from special education, the assistant principal, social services, the district attorney's office, probation officers where appropriate, and others comprise the interagency committee. The purposes of this committee are four:

- To improve communication among agencies concerning specific cases;
- To eliminate duplication of services;
- To assure that all valuable resources are explored for any one case;
- To submit a case for review by the Placement Alternatives Resources Team (described below).

Cases are staffed by the interagency committee when the usual agency intervention techniques have not succeeded. Any school or agency may initiate a referral to the committee. In Adam's County, interagency committee meetings are held twice a month, with at least five special education staff attending each. In the past, numerous cases involving handicapped students have been referred to the interagency committee in an

attempt to head off more severe problems that may involve multiple agencies at a later date. The referring agency, which in many cases was the school, presents the problem to the committee; agencies that pertinent information share this with others so that different agencies that may be involved with different segments of the child's behavior pool their knowledge of the child. Participating members then suggest potential solutions and the committee recommends an appropriate service strategy.

In some cases where the interagency committee feels the child may need an out-of-home placement or an alternative program to out-of-home care for reasons other than educational ones, it refers the case to the Placement Alternative Resources Team (PART) which is made up of several local social services staff, and a special education staff member from the LEA and any other relevant professionals involved. It is in this meeting that a placement decision is made. If the team decides to place a child out-of-home and a court order is granted, Education pays for the educational costs and Social Services pays for the child's care and maintenance.

In addition to this process set up by the local agreement in Adam's County, the Department of Social Services in Adams County has developed numerous alternative programs under SB 26. Its Placement Alternatives Commission (PAC) operates several alternative programs to prevent unnecessary out-of-home placements and to provide alternatives for children already residing out-of-home such as in RCCF's.

Members of the commission in Adams County represent the following agencies:

- school districts
- county health department
- county detention center
- city police department
- juvenile probation
- deputy district attorney
- county mental health center
- RCCF
- county department of social services
- Association for Retarded Citizens

After conducting a needs assessment in 1980, the Adams County PAC identified five alternative programs it planned to establish in 1980-81 from the flexible foster care funds made available through SB 26. Their programs were expanded in 1981 and now include the following:

- Adolescent Day Treatment for severely emotionally disturbed youth who need an intensive psychoeducational program;
- Intensive Family Treatment for families with children birth to 18 whose emotional and/or behavioral problems may necessitate out-of-home placement or with abusive or neglectful parents;
- Independent Living Program for youth age 16-21 who cannot live on their own but do not need the structure of an institution;
- Therapeutic Foster Care Program to provide a substitute family environment for severely emotionally and behaviorally disturbed children and adolescents;

- Day Treatment for Younger Children age 5-12 who would otherwise reside in an RCCF outside the county;
- Purchase of Adoption Services for severely handicapped or terminally ill children;
- Group Home for Adolescent Parents with Children;
- Lay Therapy in which parents from the community work with abusive and neglectful parents.

To implement these alternative programs, Adams County used half of its foster care allocation of $2.8 million and received an additional $22,000 in start-up funds from the state through SB 26 for initial implementation. Thus it is only spending $1.4 million on regular foster care and RCCF placements; it can reduce this part of its budget because many of the children it had placed in RCCF's were returned to the community. The fixed allocation precludes a "widening of the net" phenomenon whereby new funds would serve only new children.

EFFECTS OF THE POLICIES

At the beginning of 1982, 30 counties had developed alternative programs to reduce placements in RCCF's and state institutions. Over 700 clients were receiving services per month, representing a growth rate of 600% over the previous year before SB 26 took effect. Placements in RCCF's decreased during FY 1981, from 1141 per month to 1057 -- a 7% decrease. Furthermore, the rate of increase for total foster care expenditures (including alternatives) continued to decrease during FY 1981. Table 1 shows these decreasing rates of expenditure increases, and shows that in 1981-82 there was actually a decrease in real expenditures.

TABLE 1

Rates of Increase in Foster Care Expenditures	
From FY 1978-1979	21.5%
From FY 1979-1980	14.5%
From FY 1980-1981	10.0%
From FY 1981-1982	-3.8%
From FY 1982-1983	7.9%

It was found that alternatives to out-of-home placement can be provided to children at approximately 30% of the monthly per client cost of RCCF placement. The average cost of RCCF placement in the state rose from $1,262 per month per child in 1981 to $1,326 in 1982 to $1,456 in 1983. The cost of alternative programs actually decreased from $314 per month per child in 1981 to $265 in 1983. For students who can live in the community, this cost savings serves as a further incentive to home or community placement. Yet officials recognize that there may always be some students for whom an RCCF is the most appropriate placement regardless of the costs.

Several counties were able to increase their total foster care allocation by receiving additional start-up funds from the state. The counties that chose not to use their foster care funds for alternative programs found themselves with a significant deficit. For example, two of the largest counties in Colorado continue to use approximtely 85% of their foster care allocation on RCCF placements; because they failed to return a large number of children to the community in alternative programs, they faced deficits of over $500,000.

The most significant factor in the ability of counties to remain within their allocation was use of start-up funds, as

these represent a clear increase in available funds above the allocation. The three counties with the largest requests for start-up funds all ended the year with a surplus. Counties who used a high proportion of their allocation on alternatives but relatively little or no start-up funds ended the year with a deficit.

In Adams County, the number of children placed in RCCF's (including Child Placement Agencies) dropped from 130 to 42 during FY 1981. Twelve percent of its caseload was moved to a less restrictive setting in FY 1981, and the number of out-of-county placements was reduced by 40%. Twenty-eight percent or 170 children of the total number of out-of-home placements in 1980 were served in alternative programs in Adams County during 1981. The county Department of Social Services was able to return a surplus to the state at the end of FY 1981.

The Special Education Director in Adams County noted the return of many children to the district and feels they are being served appropriately in the community. Both the school districts and the Department of Social Services in Adams County seem to feel that their efforts to work jointly have resulted in more children being served more appropriately and closer to home.

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APPENDIX D

THE EAST CENTRAL COOPERATIVE EDUCATIONAL PROGRAM

ILLINOIS

THE EAST CENTRAL COOPERATIVE EDUCATIONAL PROGRAM

ILLINOIS

SUMMARY

The East Central Cooperative Educational Program for the handicapped is a special education joint agreement administered by Urbana School District 116 and comprised of 13 districts in Champaign, Ford, Iroquois, Eastern Piatt, Livingston and Vermilion Counties. The Cooperative was organized to provide educational services in a normalized public school placement for students exhibiting severe developmental delays or significant adjustment problems. Because of the relatively low-incidence of such problems among these six counties, a Cooperative was formed which would spread the financial burden among the member districts and enable the students to be served closer to home than they would otherwise be without the Cooperative.

Services offered by the Cooperative are based on the principle that services to handicapped students age 3-21 should be provided in the least restrictive environment. The program operates in one regular elementary school and one regular junior high school. Both locations provide opportunities for handicapped and non-handicapped students to interact such as at lunch time, recess and in other academic and recreational activities.

TARGET POPULATION

The East Central Cooperative serves handicapped children age 3-21 who are severely or profoundly handicapped, often with multiple handicapping conditions. These students are extremely limited in most functional areas including cognitive development, motor functioning, language, and independent living skills. All are multiply handicapped; their physical impairments are usually severe, they exhibit gross developmental delays, they generally cannot feed themselves or use the toliet without assistance, and some of them engage in self-mutilation or aggression toward others.

The primary factor guiding eligibility for the Cooperative program is the educational needs of the student. Administrators maintain that children who need a highly structured and comprehensive educational program in communication, motor functioning, self-help skills or behavior management are candidates for the Cooperative program, regardless of their diagnostic label.

OBJECTIVES

The philosophy of the program is spelled out explicitly in a joint agreement document and involves four primary goals. First, the Cooperative intends to provide an educational program according to the individual needs of each student. Because of the severity of these students' handicapping conditions, their educational needs vary to a great extent,

with each able to function in his/her home to a greater or lesser degree.

Secondly, the Cooperative seeks to provide comprehensive services that address all facets of the student's life. These include behavioral, self-help, pre-academic, academic, vocational, social, recreational, and home and community living skills.

Third, because the goal of comprehensive services often means multiple services provided by more than one person, the Cooperative seeks to coordinate all services. Coordinated programming involves the integration of therapy services into the classroom. The classroom teacher coordinates the activities of teacher aides, speech therapists, physical therapists, and parents to ensure the activities of one carry over to the others.

The fourth and perhaps most important goal is that services be provided in the least restrictive environment. The program seeks to maximize interaction between the severely and profoundly handicapped students and their less-handicapped and non-handicapped peers.

The Cooperative follows a policy known as "zero-reject" whereby no individual is considered to be so severely or profoundly handicapped that he or she would be denied services. In a sense, then, the Cooperative is the <u>most</u> restrictive educational program for severely involved children in these six counties. The participating LEA's must ensure that each child referred for enrollment in the program

actually requires such a highly structured program. At the same time, for severely and profoundly handicapped students, the Cooperative represents a less restrictive alternative to the private schools they formerly attended. With the advent of P.L. 94-142, the districts surrounding Urbana recognized that separate segregated educational facilities did not provide equal treatment under the law and were not acceptable as the only educational opportunity available to students with severe handicaps. Private schools, regardless of the quality of their programs, had the limitation of being segregated facilities and were thus unable to expand a handicapped child's opportunities for interacting with non-handicapped children. The developers of the Cooperative believed that if severely and profoundly handicapped students were to learn to function independently as adults, they must be educated in situations with their non-handicapped age-mates.

DEVELOPMENT OF THE POLICY

Planning for the establishment of the East Central Cooperative began in the fall of 1975. Prior to that time, severely handicapped students had been served by two private schools in Champaign County. Special education faculty at the University of Illinois (Urbana) began discussions with administrators of the surrounding LEA's regarding these students. It soon became clear that all wished to see these students served by the public schools rather than the private schools. At the same time, education officials recognized the

fact that the funds from the State Departmnt of Mental Health which has been supporting these two private schools would be diminishing in the near future. The school officials wanted to be ahead of this trend and have alternative programs in place when this happened.

It was also evident from the beginning that no single school district in the East Central Illinois region had sufficient numbers of severely and profoundly handicapped students to warrant independent programs. The size of the member districts varied considerably. (One district, Ludlow, has only one severely handicapped student enrolled in the Cooperative program.) There were approximately 40 students altogether from the six counties who had been enrolled in the two private schools.

The member LEAs and faculty from the University began drafting plans for the Cooperative in the form of a joint agreement to be signed by each member district. The agreement stipulated procedures for joining the Cooperative as well as for withdrawing membership. It also established an Advisory Committee made up of the directors of special education in the member LEAs, a university representative, parents, and representatives from the state Office of Education, Department of Mental Health, and local Mental Health Boards.

The most difficult period during the development of the Cooperative was the initial planning phase. An interim coordinator was hired in 1976, one year before the program became operational, to manage the transition from private

schools to the public school system. Funds from P.L. 89-313 were used for this position. There quickly arose vehement opposition and resistance from parents and the private schools. In effect, formation of the Cooperative meant that the two private schools would have to close. The private schools' parents hired a lawyer to protest the action. Some parents, lacking confidence in the public school system since the LEAs had previously denied services to their children, also protested the movement of their children back to the public schools, fearing that their children would receive less of an education than the private schools were providing. At one meeting of parents and school administrators, parents asked questions such as: "How can the [new] program be 'at least comparable' to the present one?" "Why develop an entirely new program when we have one that we know already works?" "Is your program -- even though it is run by the public schools -- <u>really</u> least restrictive?" "Why should a major state like Illinois sponsor a program which is a step backward?"

The member LEAs tried to assure parents that comprehensive services of high quality would be provided to their children. In the end, however, they realized that they would have to forge ahead with the new program over the complaints of the parents and private school staff on the belief that even if the educational programs are comparable, the public schools always offer a greater opportunity for interaction and such interaction is essential if handicapped

students are to be expected to function in society as adults. They proceeded to develop plans for the program with the intention of winning over the parents once it began operation. The program director now looks back on this decision as the right one. She feels that "if we had done anything else, these kids would still be in private schools today."

The drafters of the agreement also spent considerable time designing an administrative structure for the Cooperative. It was decided that there should be one LEA designated as the Administrative District, and it was agreed that Urbana School District Number 116 would be it. The Administrative District was given the authority to enter into contracts on behalf of the member districts, to formally adopt the Cooperative's annual budget, and to maintain an accounting system for the Cooperative and conduct an annual audit of all financial transactions. Cooperative Program staff were to be considered part of the Urbana School District so they would participate in all building and district-wide activities and so they would be accountable to one LEA. In addition, a Program Coordinator was to be hired to implement all policies and procedures and to be responsible for daily operation of the program.

Illinois maintains county units for most of its special education programs. Large cities, however, such as Urbana and Champaign, operate their own special education programs that are separate from the county programs. For example, the city of Champaign runs a cooperative program for trainable mentally

retarded students from surrounding counties, and the city of Urbana administers the East Central Cooperative Program for severely and profoundly handicapped students. Each county then serves its other handicapped students -- generally the high incidence handicapped students -- by its own county program(s).

Members agreed on a financing plan that would cover the costs of the program, especially the higher start-up costs. It was agreed that member LEA's would pay a tuition fee for each child sent to the program from its district. The tuition fee would be set each year as (1) the total actual operational costs of the program (including salaries, costs of the physical plant, administrative costs, supplies and equipment), (2) minus income obtained from 89-313 funds and state reimbursement for personnel, and (3) divided by the total number of students participating in the program.

Also included in the state funds allocated to the project are special funds for "extraordinary services" known as 14-702A funds in Illinois. These funds are provided to districts with unusual costs that exceed 2.5 times the average per pupil expenditure in that district. A problem arose when Urbana was chosen as the district to administer the program because its average per pupil expenditure (PPE) was high. Therefore, it would qualify for relatively few of the special funds since it was difficult to exceed 2.5 times its average PPE. There was some initial discussion as to whether the Cooperative Program should be located in another district, but

it was decided that the strong administrative support for the program was worth the fiscal disadvantage of locating the program there.

Because the start-up year would be most expensive, it was agreed that any district not a member during the first year of operation would be charged an additional ten percent fee per student during the first year in which they enrolled a student. There is no charge to the LEAs for joining the Cooperative; they pay only upon enrollment of students.

Member districts signed the joint agreement in 1977. In April 1978, the Advisory Committee decided to cease its regular meetings since the program seemed to be operating smoothly. Since that time, they have met only when major concerns arise that require their attention.

IMPLEMENTATION OF THE POLICY

The program became operative in the fall of 1977 at an elementary school in Urbana and in 1979 at Urbana Junior High School for secondary age students. The University of Illinois provided doctoral and master-level students under a teacher training grant to serve as aides in the new classes. The advantage of this arrangement was that all of these students understood the benefits of educating handicapped students on regular campuses and were strongly committed to making the new program work.

The program currently serves 45 students divided into seven classroom groupings. The staff includes seven full-time

certified teachers, 15 full-time teacher aides, a full-time and a half-time communication specialist, and two full-time developmental therapists. Additional program staff include a full-time program coordinator, a full-time social worker, a full-time home interventionist, two community trainers and a half-time adaptive equipment builder. The staff of each classroom is supplemented with university practicum students as well as parent and community volunteers whose participation is directed and supervised by the classroom teacher. Related service personnel are used as consultants so that the teachers actually provide the services.

An Individualized Educational Program (IEP) is developed for each child in accordance with Illinois and federal guidelines. The student's performance on his/her objectives are measured directly and continuously and, thereby, the programs are subject to ongoing evaluation and systematic revision. In addition to classroom instruction, the Cooperative provides speech and language therapy, occupational therapy and physical therapy, social work services, parent education, and community and vocational training. Each member district provides its own transporation for students enrolled in the Cooperative Program.

The budget for the cooperative increased from approximately $174,000 in 1977-78 to $365,026 in 1981-82. The increase was due to inflation, added services, increased fringe benefits, and rising energy costs. Per capita tuition costs were $4,608 in 1981-82.

Since 1980, the emphasis of the Cooperative program for secondary-age students has been on vocational skills. Handicapped students, even at age 11 and 12, have work experiences written into their IEP's. Community trainers are hired to set up work experiences in the community. The goal is that the worksite hire the student after he/she graduates from high school. Some students work in hospital kitchens, restaurants, and day care centers.

One wheelchair-bound student who was hired by a day care center, has been working there setting up snack time for the children and cleaning up. Her main problem, according to the Program Coordinator, is that her social skills are deficient, i.e., others complain of her "bossiness." In addition, her physical handicap requires assistance to transfer her from her wheelchair to the toliet. Although she has the technical skills to do the job, some worry that her social skills have not been adequately developed. The Program Coordinator believes that this student would be better off today if she had grown up in classes at a regular public school where she would have had greater contact with non-handicapped peers and perhaps been able to learn more appropriate social skills.

EFFECTS OF THE POLICY

The primary impact of the East Central Cooperative has been to move an entire group of severely handicapped students from private facilities into the regular public education system within one year, thereby serving these students in a

less restrictive environment. Although hard measures of the quality of the new educational program cannot be documented, parents, teachers and administrators feel that the program has resulted in successful changes that range from developmental changes in particular students to changes in teacher attitudes and among non-handicapped students. Examples of these effects include the following:

- The program has increased the developmental functioning of the students enrolled in it. Students are reported to be achieving the objectives on their IEP's and to have decreased inappropriate behaviors.

- The Program Coordinator also reports that the program's presence in the regular schools has altered teacher practices. Teachers realized that many handicapped students' behaviors were inappropriate when contrasted with non-handicapped students. Teachers began to intervene for example, when their handicapped students made inappropriate noises that may have otherwise gone unnoticed in a segregated facility.

  Teachers also began dealing with handicapped students in ways that resemble more closely the teaching practices used with non-handicapped children. Where teachers in the private schools may have used physical restraint and justified it because of the handicapping condition, teachers in the new program emphasize management strategies that regular education teachers would use, such as peer pressure.

- The program has also had beneficial effects on non-handicapped students. The Cooperative Program instituted a practice of using non-handicapped students to help out in the special class. Some of these students had a low self-image and were frequently absent from school, but their responsibility in a special class seemed to give them greater confidence and improved their overall performance and attendance at school.

Implementation of the East Central Cooperative Program has not resulted in complete elimination of all out-of-district placements. A few students are still placed in state

institutions when their home situation demands it. Likewise, the member districts are not entirely against private residential placements when the home environment is inappropriate. Urbana has one such case: a 14-year old handicapped child whose home situation was intolerable. The school district, after trying psychiatric consultations, medical evaluations and a number of other service interventions, agreed to pay for a private residential placement even though it was not for strictly educational reasons and they were not legally bound to do so.

Since the Cooperative's inception in 1977, approximately 125 students have been served in the program. Enrollment has ranged from a low of 34 students in 1977-78 to a high of 52 students during the 1980-81 school year. Only four students have left the program to be placed in more restrictive private settings, and three of these placements were made because the parents could not cope with the child at home.

Four students have graduated from the work-training component of the program. The one girl described earlier took the job in a private day care center, which, although a volunteer position without pay, offers her work in a non-handicapped setting. Two students went on to sheltered workshops, and the fourth, who had participated in a community work experience was moving to another area in the state because the local Adult Services Agency in Urbana would not support a community-based placement for this student.

In summary, education officials in Urbana express satisfaction with the effects of the Cooperative program. They were able to replace initial resistence from parents with strong support for the program. For the handicapped students, officials maintain that public school placement has increased their interaction with non-handicapped students and will therefore in the long run facilitate their integration into mainstream society as adults.

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APPENDIX E

PROGRAM CHANGE TO ASSURE EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

GWINNETT COUNTY, GEORGIA

PROGRAM CHANGE TO ASSURE EDUCATION
IN THE LEAST RESTRICTIVE ENVIRONMENT

GWINNETT COUNTY, GEORGIA

SUMMARY

Since passage of P.L. 94-142, the Gwinnett County School District in Georgia has dramatically altered the patterns of care for handicapped students in the County. Special education administrators committed to the principles of least restrictive environment have been able to bring severely mentally handicapped (SMH) and behaviorally disordered (BD) children into public school programs and simultaneously reduce the use of self-contained classrooms and separate facilities. Their success has resulted from a combination of support from the district school board; careful planning to take advantage of the overall growth in resources and facilities experienced by the district; and cooperation from the private and public facilities previously serving some of these children.

TARGET POPULATION

Gwinnett County's policies to assure education in the least restrictive environment ultimately affect all handicapped students as well as non-handicapped students. However, the groups of students which have been the focus of the school districts efforts to promote LRE over the past three years have been the trainable mentally handicapped (TMH), the severely mentally handicapped (SMH) and multiply handicapped, and students with behavioral disorders.

OBJECTIVES OF THE POLICY

Gwinnett County's special Education Handbook sets forth the District's philosophy and overall goal related to least restrictive environment as follows:

> A variety of placement options must be available in order to provide an appropriate placement for any exceptional student at any particular time. ... In placing a student into one of these educational settings, it is important to remember that any arrangement may be good or bad for a particular student depending on factors such as the quality of teaching, the type of curriculum offered and the characteristics of the individuals student. Yet, the guiding principle should be that of the least restrictive environment; to the maximum extent possible, exceptional students should be educated with non-exceptional student.*

Within this general philosophy, Gwinnett County's special education administrators established specific goals of (1) reducing the use of separate facilities for severely impaired students in the public schools; and (2) bringing into public school programs the SMH and BD children who were being educated outside of Gwinnett County's programs.

DEVELOPMENT OF THE POLICY

Prior to passage of P.L. 94-142, Gwinnett County, like most other areas of Georgia, was not providing extensive special education services within the district to severely involved students. Several factors contributed to this scarcity of services.

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*Gwinnett County Public Schools, Special Education Handbook, revised August, 1981, p. 17

First, although Georgia had had a fairly strong state special education statute since 1967, the law did not include strong LRE provisions, nor had it been richly funded. Thus, districts were under little pressure to accommodate all exceptional children, and many less wealthy districts (which Gwinnett was at that time) did not have the resources to develop new programs for these children. Second, alternative forms of care had assumed responsibility for these children. A network of state funded psychoeducational centers administered by the Department of Education served youngsters with severe emotional or behavioral problems. Private agencies served retarded children and children with other developmental disabilities. While these programs did not serve all children who needed care, their presence took pressure off the school district to develop its own program.

In the late 1970's, however, a number of new factors interacted to change this pattern of care. Most basically, passage of P.L. 94-142 required SEA's and LEA's to give greater attention to LRE. In Georgia, the State Department of Education reacted to the federal law by requiring that, starting in 1978, all districts in the state would have to be serving all categories of handicapped children within the public schools. Routine placements in public residential facilities and private day schools would no longer meet requirements for education in the least restrictive environment.

At about the time the federal law was passed, Gwinnett County had begun actions to bring severely handicapped students into the schools. However, the steps toward this goal were often

slow. For example, in response to pressure from the local developmental disabilities agency, the school district placed trailers on the campus of this facility to provide educational services for children attending that program. This arrangement went on for two years, as the school district identified TMR children who would be able to come into the public schools. In 1977, the district completed construction of a new facility, the Oakland Center, as a diagnostic and service center for severely impaired children. The Center housed primarily TMR children, as well as some orthopedically handicapped and emotionally disturbed youngsters. While this separate facility was misdirected in terms of the federal LRE mandate, it illustrated the County's commitment to provide services to these children.

Passage of P.L. 94-142 also led, indirectly, to more funding for special education; not only were the limited amounts of federal dollars available, but state appropriations were dramatically increased in Georgia as well. This proved particularly beneficial to Gwinnett County. As the State changed to a formula allotment, the school district experienced massive growth, thus attracting large sums of new dollars. (Because of its location outside of Atlanta, Gwinnett County has been one of the fastest growing counties in the state.)

A third factor which contributed to new patterns of care in the district was a change in personnel. In 1978, a new director of special education was appointed, and shortly thereafter he brought in a new assistant director. Both of these administrators were personally and professionally committed to the princi-

ples of education in the least restrictive environment. They proceeded to establish a policy direction with the School Board which gave priority to LRE considerations, and with the Board's support began a number of program changes necessary to create less restrictive educational opportunities for special education students.

IMPLEMENTATION OF THE POLICIES

In the next three years, the special education administrators pursued a strategy aimed at integrating special education students into the mainstream of the public schools as much as possible. This involved a variety of activities, including the "bringing back" of students from out-of-district placements; the creation of new programs in the schools; and the development of more formal policies to ensure that decisions made regarding each child's education program emphasized placement in the least restrictive environment. Some of the main elements of this strategy are described below:

- A decision was made to bring almost all children still attending the Hi-Hope Developmental Disabilities Center into public school programs. (For some of the older children in Hi-Hope, it did not make sense to change their educational program.) This included approximately 30 TMR children as well as some children with behavior disorders.
- The separate classes established at the Oakland Center were gradually moved into classes in regular

school buildings. (A limited number of classes remain at Oakland, including 5 classes for severely and profoundly handicapped students plus 1 class for autistic children. This was done in conjunction with the construction of new school buildings which was occurring be cause of the district's rapid growth. As new buildings were constructed, the special education administrators identified appropriate space for special education programs, deliberately choosing space in new buildings to avoid the stereotyping of special education programs as somehow "back corridor" programs.

- Fortunately too, the Board of Education constructed a new elementary school next door to Oakland Center, joined the facilities by enclosed ramps and a garden. One cafeteria serves students in both campuses and a cooperation peer tutoring program has been instituted to further integrate the campuses.
- A comprehensive set of policies was developed to clarify the district's procedures in assessment, IEP development, and placement and review decisions. Incorporated into a manual that could be used both for training and reference, these policies emphasized the district's commitment to assuring education in the least restrictive environment. Placement decisions, in particular, were structured to assure that adaptation of regular programs and all less restrictive

alternatives were throroughly explored before placement of a child was made into a self-contained classroom or off-campus program.

- In general, the special education program received strong support from district administrators and the school board. The special education director has routinely participated in the hiring of new principals and administrative staff, in order to determine if candidates understood and were sympathetic to the policy directions of special education programs.

Throughout this three year period, new programs were also being developed within the special education program. A vocational program, for example, has expanded opportunities for secondary-age handicapped youth who now are frequently staffed into regular vocational education classrooms -- and thus participate in less restrictive settings. Classes for children with behavior disorders have been developed which allow many of these children to stay in the regular schools rather than automatically being sent to the regional psycho-educational center administered by the State Department of Education. Finally, a class for adjudicated youth has been established for youngsters who, if they were not participating in this program, would probably be incarcerated.

EFFECTS OF THE POLICY

Gwinnett County efforts have resulted in less restrictive placements for the majority of handicapped children in the district, with the greatest effect being seen for severely handicap-

ped children. The number of children being educated off campus has been reduced dramatically over the past five years; the number of children in segregated classrooms on campus has been decreased markedly in the past three years; and officials are confident that, in all aspects of the program, the direction of policy has been altered so that the presumption is that a child will be educated in a less restrictive setting unless that proves unsuitable for his/her needs. By taking advantage of the general trends in the district (such as new construction and rapid growth); by working closely and productively with the other private and public facilities serving handicapped children; and by securing support from the district administration and the Board, the Gwinnett County special education program has been able to make considerable advances toward the goal of educating all children in the least restrictive environment appropriate to their needs.

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APPENDIX F

SOUTHERN PENOBSCOT REGION

MAINE

SOUTHERN PENOBSCOT REGIONAL PROGRAM

SUMMARY

In 1977, eleven school districts in Southern Penobscot County, Maine*, formed a regional program to serve moderately and severely handicapped students in the public schools. The superintendents of these LEA's recognized that these children, previously served in private or state operated facilities, could be better served and in less restrictive environments in the public school system. Because the number of these children in any one district was fairly small, the superintendents chose to regionalize their efforts.

The administrative structure of the Regional Program is unique in Maine and unusual nationwide. An "LEA-like" structure was developed without any special legislation and without having to employ a permanent regional staff. Instead, the program is governed by a Board of Directors (made up of school board members from the region) and by the ten participating superintendents as Executive Officers.

Three instructional programs were developed to serve the handicapped children who were taken out of private facitities: (1) a program for behaviorally handicapped and learning disabled students, which although housed in a separate public school was a less restrictive environment than the previous facility for these children; (2) a program for "maturationally handicapped" (severely retarded) students located in self-contained classes in two

*Southern Penobscot County is located in the central part of the state and includes the metropolitan area of Bangor.

regular public schools; and (3) a program for multiply handicapped students which is located in regular public schools.

TARGET POPULATION

The Regional Program was designed to serve three groups of handicapped students for the first time within the public schools. The first group is made up of behaviorally handicapped and learning disabled students, including austistic and severely emotionally disturbed youngsters. They had previously been served in private cottage-type facilities.

The second group, termed "maturationally handicapped", are severely retarded students, many of whom have serious problems with some aspect of their physical functioning although only a few are in wheelchairs. These students had previously been enrolled in self-contained private schools. Multiply handicapped students are served by the third component of the program. Many of these students have neurological and/or orthopedic handicaps, some have cerebral palsy, and most are severely retarded as well. Prior to the regional program, they had been living in state institutions and out-of-state institutions.

OBJECTIVES

The primary goal of the Regional Program is simply to expand public school programs for severely handicapped students in the region. As stated in its charter:

> The objective of the Regional Program is to provide any and all services for exceptional children that cannot otherwise be provided within individual administrative units. The region will expand educational opportunities for excep-

> tional children while serving as the vehicle to arrange for the establishment of services to children within appropriate private school facilities.

Implicit in this statement is the goal of providing services in the least restrictive environment, in this case, the public school system.

In addition to this broad objective, the drafters of the original proposal identified four other goals for the Regional Program. These are 1) to monitor special education service delivery within the region; 2) to improve screening and evaluation techniques required under federal and state laws; 3) to [illegible] a wider range of special educational services for handicapped children in the region; and 4) to secure state and federal revenues for regional expansion of special educational programs.

DEVELOPMENT OF THE PROGRAM

The Southern Penobscot Program is one of several regional programs created in Maine since passage of PL 94-142. Because Maine is largely rural, with a low incidence of particular groups of handicapped students in many areas, the SEA has encouraged regionalization as a technique for conserving resources and promoting LRE. The SEA has used portions of its discretionary money to help local districts establish regional programs and in addition offered two types of financial incentives for regional efforts. First, changes in state law were made to accelerate LEA reimbursement for pupils served in neighboring school districts (from a two-year reimbursement cycle to a one-year time period).

Second, the SEA exempted LEA's in regional programs from the normal per-pupil expenditure rate for handicapped students and allowed local districts to create their own rate based on actual program costs. In this way, the LEA's could be assured that the regional program would pay for itself. As a result of these financial incentives, as well as for programmatic reasons, there are now eight regional programs established to serve handicapped students in the state.

Southern Penobscot County includes twenty local school districts with total enrollments ranging from 23 to 24,000. With the passage of PL94-142, these districts initially focused their attention and limited resources on the needs of mild to moderately handicapped school age children. They continued to rely on private agencies to serve more severely handicapped children. In 1977, 118 students identified as handicapped were being served in five private or state operated schools.

Initial efforts to continue to serve children in private school settings within the framework of an IEP met with mixed success: private schools refused in some cases to serve children referred to them, and the rate of return of handicapped pupils to public school settings was very low. Because the private school facilities were very different from public school settings, the children who did return to public schools were rarely able to adapt to the new environment. In addition, there were constant transportation problems resulting from lack of coordination between the private facilities and the public schools. At the same time, there was increasing concern among school administrators

that "we were getting farther away fron the whole idea of LRE." This experience, coupled with the rapid escalation of tuition costs, which were rising fifteen percent each year, heightened the local districts' concern about how they could expand their own capacity to serve severely handicapped children, especially since many of these districts were operating on "starvation budgets".

The initial development of the Southern Penobscot Regional Program had two distinct stages, which, in hindsight, were critical to the programs' ultimate success: 1) gathering information on instructional needs of severely handicapped students, and 2) establishing a governance structure for the Regional Program.

Stage 1 : Gathering Information

The first stage was initiated soon after the passage of P.L. 94-142, between 1976 and 1977, when the superintendents in the region, who met monthly at the local campus of the State University, first discussed issues of regionalization. A regional approach had obvious advantages in terms of utilizing limited resources, but it raised major issues regarding the allocation of responsibility, authority, and accountability for assessing and meeting the educational and related service needs of handicapped children.

In 1977-78, ten superintendents representing 11 LEA's within Southern Penobscot County authorized the development of an initial plan by a working group composed of one of the superintendents, and a special resource teacher in his district. The initial plan was a draft proposal entitled the Southern

Penobscot Regional Program for Exceptional Children: Plan for Implementation, 1978-79. It included inventories of those handicapped children not currently receiving public education services, the program and staff resources currently available in the public education system, and the resources required to return all children then served in private and state operated facilities and the public schools.

This plan was presented to the superintendents, and immediately gained wider attention, particularly among parents of the children served by other agencies and among the private facilities themselves.

The reaction from the five private facilities that had been serving these children was mixed. Two of the five had long urged the public schools to assume responsibility for these children and thus supported development of these programs. Two others were resistent at first because they believed that they understood these children's needs better than public school officials and that the public schools were only out to save money. Parents likewise had mixed reactions. Some were anxious about the proposal while others welcomed it.

Rather than fully approve the recommendations included in the initial proposal, the superintendents opted for a planning year during 1978-79. They hired a small regional staff using a Title VI-B grant from the SEA and organized five study committees which were charged with reviewing the needs of students in the private facilities. Additionally, the study committees were to develop recommendations to foster the transition of these students

to regionally sponsored public school programs. Each Study Committee was chaired by one of the Superintendents and included professional staff from both the private agency and the public schools as well as parents of the children involved.

The purpose of the Study Committees' work during this planning year was to produce information with which to make decisions regarding which children could be served in less restrictive settings and what public educational programs would have to be developed to meet these students' needs. The information was based on the needs of individual students and was gathered with the cooperation of the public schools, the private facilities, and parents. This process had three significant outcomes:

First, it brought Superintendents into direct contact with parents of severely handicapped children and with professionals who had been working with these children. "For the first time we had to contend with the emotional feelings of parents and with their perceptions". Second, the process provided a way for the private agencies to have a voice in the programming based on their experience in serving handicapped children. At first the private facilities resisted the idea, but they quickly realized that this was the first effort to develop the public programs they had been advocating for years; their resistance was eventually converted to active advocacy on behalf of the handicapped students. At the end of the process, two of the agencies voluntarily closed their programs for school-age handicapped children. Finally, this partnership permitted a careful evaluation of which pupils could appropriately be transferred to existing public

school classes and which pupils required new public programs.

The SEA remained supportive throughout this initial planning year. They offered financial support through PL 94-142 discretionary funds and technical assistance in working out financial arrangements such as with the Bureau of Mental Health. The real work, however, was carried out by the ten superintendents.

Stage 2 : Creating a Governing Structure.

The second developmental stage also conducted during the 1978-79 planning year, was the creation of a governing structure. From the outset, the Superintendents were concerned that establishing a legal entity at the regional level would be more of an obstacle than a facilitating mechanism because it would only be a bureaucratic step rather than a programmatic one. They wanted to create a decentralized administrative structure that avoided a larger regional beauracracy.

As a result, they set up a governing structure as depicted in Figure 1. Each of the local programs were to be operated by the school district within which it is physically located. The director to each host district would develop a program budget and would hire one program staff, subject to review and approval of the Regional Program's Board of Directors which is made up of school board members from the region. Each program is also accountable to a Regional Advisory Board. This Board has one representative from each of the participating districts, appointed by the Superintendents. It serves primarily as a liaison between the three programs and the Superintendents who,as executive officers, maintain final control over program budgets and

direction. The Advisory Board also conducts an annual program review of each of the three programs, designed to identify areas that need strengthening and maintain consistent policy direction among the three programs.

In summary, the ten-member Regional Advisory Board represents the individual programs to the Executive Officers, the ten superintendents. The Executive Officers in turn make program and policy recommendations to the Board of Directors, made up of ten school board members from throughout the region. The Title VI-B Coordinator and staff were discontinued after the initial planning year so that there is now no regional bureaucracy.

After establishing the governing structure, the superintendents created a financing plan. Each program charges tuition, which is allocated to districts in proportion to their utilization of the particular program. A small administrative budget -- about $5000 -- covers the costs of the Regional Advisory Board, clerical and bookkeeping services and is billed to each participating district based on the district's pupil enrollment as a percentage of total enrollment in the Region. It was agreed that non-participating LEA's could enroll handicapped students in the program on a space available basis by paying the required tuition.

In keeping with the desire to develop a decentralized administrative structure, the financing plan was to be carried out by a fiscal agent which would be a different superintendent every two years. Each superintendent would have a turn at being responsible for paying the bills and all tuition funds would be forwarded to the superintendent acting as fiscal agent that year. The purpose

of this arrangement was to enable each superintendent to become familiar with the financing of the program and to avoid having another layer of staff beyond the LEA.

During this initial planning year, the superintendents worked with the Office of Children's Services in the Department of Mental Health and Mental Retardation to delineate and distinguish educational from mental health costs. This was particularly important for the emotionally disturbed students. A policy was devised at the state level in which the LEA would pay all education costs, including tuition, room and board, and the Department of Mental Health and Mental Retardation would cover all treatment costs including clinical staff. For students who are wards of the state, the Department of Human Services would pay all board and care and treatment, and the SEA would pay all education costs. This policy was formalized in a memo of agreement among the three departments and extended to day treatment programs such as in the Southern Penobscot Region in 1978.

IMPLEMENTATION

Plans for creation of the Regional Program were completed in the spring and summer of 1979. Beginning in the fall of 1979, two of three programs were initiated. One was the program for behavior handicapped and learning disabled students located in the Old Town LEA at St. Joseph's School. Approximately 35 students aged 5-20 were enrolled in this program which offered its students a normal school environment with individualized instruction and treatment plans. Family therapy is also provided in this program through the Bangor Community Health and Counseling Services

under a grant from the State Bureau of Mental Health.

The classes at St. Joseph's include classes of no more than ten students in reading, math, language arts, home economics, industrial arts and physical education. Although St. Joseph's School is a self-contained school, it represents a less restrictive environment than the private cottage facility previously used and it increased alternatives available for students identified as behaviorally handicapped. Fifteen of these students had lived in a group home and are now able to live with their families. The program director had hoped the separate school would have been phased out by now, but it is still in operation with the expectation that it can be incrementally eliminated and its students returned to the regular public school over the next few years.

The second program opening in 1979 was for 45 maturationally handicapped (severely mentally retarded) students. This program is located in two public schools in the Brewer School System. The students are served in self-contained classes but are integrated with non-handicapped students at lunch time. One speech therapist, two physical therapists, five teachers and five teacher aides are now employed in this program.

In September of 1981, two years later, the third program was opened. This serves 15 multiply handicapped students aged 5-20 and is located at the Downeast School in Bangor, Maine. A separate class was set up in a regular public school, the first of its kind in the state. Occupational and physical therapists provide therapy to these students as well as teachers and teacher aides.

This program will expand to two classrooms in 1983-84.

Each member district is responsible for transportation for its own students. In some cases, the board has been able to work out a coordinated transportation system among member districts that is more efficient and less costly than operating eleven separate transportation systems.

EFFECTS OF THE PROGRAM

Selecting a "confederation" approach to regionalization rather than establishing a separate legal entity at the regional level apears to have provided an effective structure within which to pursue the goal of serving all handicapped children in the least restrictive public school environment.

The following evidence supports the apparent success of the program to date:

1. Effects on Students. There are less than ten children from the Southern Penobscot Region who are now being served in private facilities or state institutions. These are primarily children who need services from a treatment center. They include a few hearing-impaired children whose parents were insistent on placement at the state-operated Baxter School and a small number of children whose prescribed residential placement was based on the assessment of severe family dysfunction. The other 110 students formerly served by the 5 private facilities in the region are now being educated in the public school system. By setting up a regional program, these eleven LEA's were able to expand the program options available to severely handicapped students.

The Regional Advisory Board has fulfilled the goal of monitoring special education programs within the district. Made up primarily of special education directors appointed by district superintendents, the Board has reviewed existing programs each year and made recommendations for program revisions. For example, after evaluating each program, the Advisory Board recommended an expansion of psychological services for the students at St. Joseph's School and increased occupational therapy services at the Brewer School. These were both approved and entered into the program budget for the following year.

Another goal of the program had been to improve screening and evaluation techniques, and a pre-school referral project was established to do that. The project operates county-wide under the direction of the Regional Program and has resulted in greater quantity and quality of pre-school screening services. There is now a single point of referral for all handicapped children in the county.

The separate public school housing emotionally disturbed students has had mixed effects. In some cases, it has allowed superintendents to refer all emotionally disturbed students to the school rather than develop their own programs. In other cases, it has encouraged superintendents to develop their own classes for emotionally disturbed students after they saw the feasibility of the St. Joseph's program. Three new classrooms have been established for emotionally disturbed children, for example, allowing one of the participating districts to use the program at the St. Joseph school for only its most severely emotionally disturbed

pupils. Of the 153 students served at the St. Joseph School program, 22% or 33 students have been returned to regular public schools and none of these have had to come back to St. Joseph.

2. Effects on Superintendents. The participating superintendents have enhanced their knowledge of handicapped students and special education for the severely handicapped student. Prior to this program, few were intimately aware of the needs of these students. As a result of their actions, they now see that they are able to develop and maintain high quality programs for these pupils.

The superintendents also arranged the regional programs so that they and other districts would not be encouraged to "dump" handicapped students in one of the three programs. They accomplished this by setting the tuition fees sufficiently high. Because the cost of the program for the emotionally disturbed, for example, is aproximately $7000 per pupil per year, few superintendents would use this as a routine placement when less costly alternatives may exist.

The superintendents' budgets have increased since implementation of the regional programs because they are more expensive than the private facilities were; however, the superintendents seem to be comfortable with this rise in costs because they believe the students are much better served. For example, the emotionally disturbed students, while previously one of the highest cost groups, are now offered prevocational programming, physical education, art and music -- none of which they had received in their private placements.

One official estimates that the superintendents brought in $600,000 to the region in state funds, mental health funds, and Title VI-B discretionary funds. Without the clout of the regional programs, this money would proably not have been obtained. The superintendents have now institutionalized the program by replacing discretionary funds with tuition monies. In effect, they have incrementally substituted "hard dollars" for "soft dollars." Whereas much of the original money was grant money, tuition payments now make up a larger portion of the total budget. For example, whereas the program for emotionally disturbed students began with $194,000 in tuition in 1979-80, it now has obtained $276,000 for the school year 1983-84.

3. Effects on Parents. Program staff report that parents of the handicapped children served by one of the three public school programs in the region are very satisfied with the new programs. They seem to feel that closer connection with the public schools is beneficial and their initial fears of inferior services have been erased.

4. Effects on Other School Districts. The efforts of the Southern Penobscot Superintendents resulted in legislation governing the regionalization of special education programs throughout the state, (MRSA Title 20, Chp. 404, 3125) (3) (4). All regional efforts must now be based on cooperative agreements as in the Southern Penobscot region. Members of the Southern Penobscot Regional Program have made presentations to the State Principals Association and the State Superintendents, offering

technical assistance on regionalization. Several school districts have adopted various elements of the Southern Penobscot model.

5. Effect on Regular Education. As in many regional efforts, the Southern Penobscot Program has had a positive impact on the quality of regular education in the area as well. As a result of their collaboration to meet the needs of handicapped children, the districts have found that they do a better job of identifying, "prescribing", and supervising efforts to meet the learning needs of all children. The direct and ongoing involvement of the superintendents of the 10 participating districts is regarded by all participants as essential to the success in closing the gap between special education and regular education programs and services.

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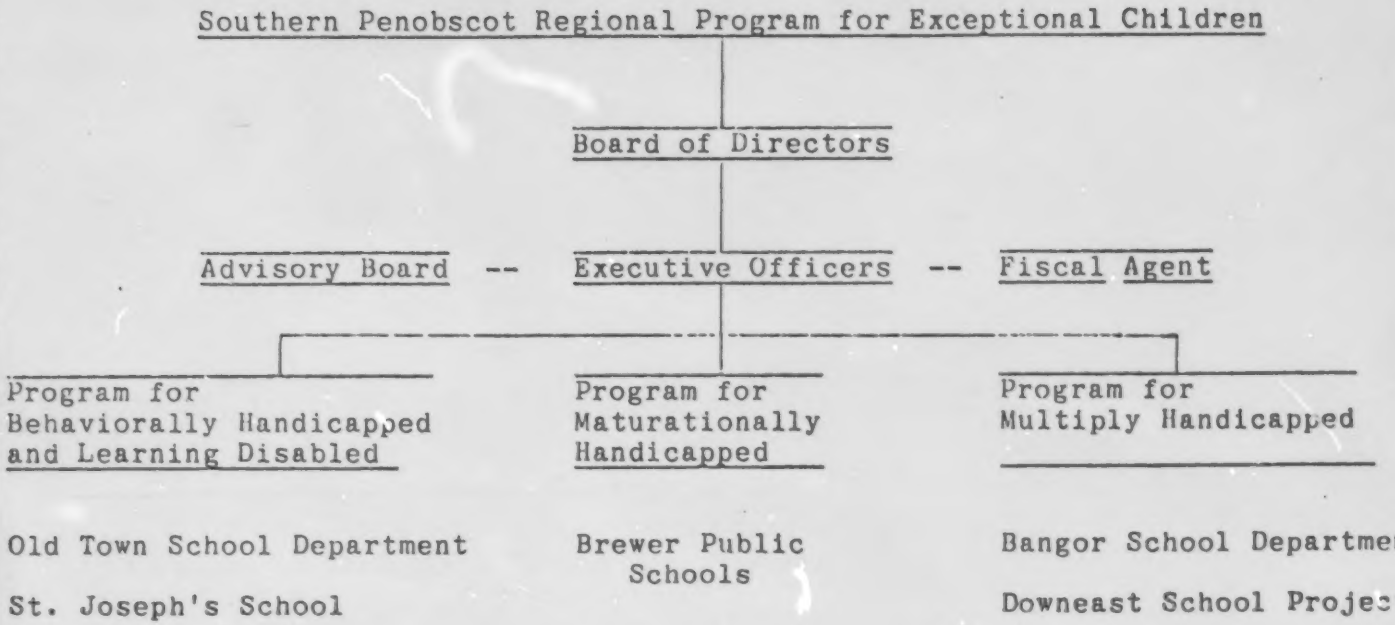
FIGURE 1

ORGANIZATIONAL CHART 1979



APPENDIX G

IMPLEMENTATION OF THE LEAST RESTRICTIVE ENVIRONMENT MANDATE

TILLAMOOK COUNTY, OREGON

IMPLEMENTATION OF THE LEAST RESTRICTIVE ENVIRONMENT MANDATE

TILLAMOOK, OREGON

SUMMARY

Tillamook County, a rural area in northwestern Oregon, has devised a series of effective policies to implement the least restrictive environment (LRE) provisions of P.L. 94-142. Because it is a rural county, member superintendents established a consortium among six districts in the county to implement the provisions of the LRE mandate.

Tillamook County is an example of a group of school districts which, when P.L. 94-142 was passed, had to develop a new structure under which to implement the goals of the law. In particular, the LRE requirements of the federal law posed problems for a county in which resources to serve severely handicapped children were limited. By collaborating through the Educational Service District (ESD) of Tillamook County, the six districts have been able to achieve substantial progress on LRE. Although the school district administrators believe that they still have a way to go for full implementation, they have made considerable progress in serving severely handicapped students, severely emotionally disturbed children, and educable and trainable mentally retarded students.

TARGET POPULATION

The total school age population in Tillamook County is approximately 4,000 students. The enrollment in the special

education program is 615 students or 15% of the school age population. This figure includes students financed under P.L. 94-142 and P.L. 89-313.

The school population is distributed among six districts within the county. It is easiest to conceive of these in three groups: north county, central county, and south county. The Tillamook Unified School District, located in the central part of the county, is the largest and accounts for over 50% of all students. Both north county and south county are rural districts separated geographically by mountains, and resources are particularly scarce in those two areas of the district.

OBJECTIVES

As an ongoing effort in implementing LRE, the ESD in Tillamook County has several specific objectives. These include:

- To provide appropriate services for all children within the district, including returning children to the district who had formerly been placed out-of-district;
- To provide an educational program for as many children as possible in regular classrooms, and, when full placement in regular classrooms is not possible, to have children mainstreamed for as much of their educational program as is appropriate for their handicap;
- For those children who cannot receive education in a regular classroom, to develop an educational program that serves them on the campus of regular schools and that plans for reintegration into regular classes when the child's handicap permits.

DEVELOPMENT OF THE POLICIES

To understand the development of these LRE policies in Tillamook County, it is necessary to look at how the special

education consortium was established. When P.L. 94-142 was passed in 1977, the school districts in Tillamook County were concerned with how to implement the new law. In the words of the current special education director at the ESD, "There was a general sense that superintendents did not know how to provide special education services." The superintendents were particularly worried about the paper work demands of P.L. 94-142, and they agreed that if the ESD would do the paper work, the ESD could have the P.L. 94-142 funds. Thus a special education consortium was established and all six districts elected to be a part of the consortium.

Through the consortium arrangement, the ESD receives all P.L. 94-142 monies; that is, these funds are turned over to the ESD directly by the districts. This is a different arrangement from the more usual contract provision under which districts retain control of P.L. 94-142 funds and purchase selected services from the ESD. The advantage to the ESD in Tillamook is that it does not have to "sell" its service to the districts, and it can plan a comprehensive package of services across districts. This consortium arrangement is unique in Oregon.

At the time P.L. 94-142 was enacted, special education programs in the county were serving children with speech handicaps as well as TMR and EMR populations. However, even these children (approximately 100) were in self-contained classrooms. The more seriously handicapped children, including the seriously emotionally disturbed, were not served

within the county. It was easier at that time for the districts not to provide services because the TMR and profoundly retarded children usually went to state training schools. It was not until the late 1970's that the state cleared out its institutions, and the burden was on the districts to serve these children.

IMPLEMENTATION

Tillamook took immediate steps to develop more appropriate programs for these children. In the first year of P.L. 94-142 implementation, six resource centers were opened, and in the next year, seven special classrooms were established including a classroom for the emotionally handicapped and the severely handicapped. However, these measures were regarded as immediate stop-gap measures, and once these were in place the ESD administrators turned their attention to developing a more planned approach to LRE.

The key to the model that was eventually established is the presence of intervention specialists. These are staff of the ESD who are assigned to either the north county, south county or central county, and who are responsible for providing special services to each of the member districts. They act as resource teachers but on a more extensive basis. For example, it is their responsibility to design service programs for each area of the county in response to the unmet needs of children. In addition, they work with individual teachers, bringing materials and program ideas to assist teachers in

maintaining children in the regular classroom. The roles of the intervention specialists differ by districts, but the key feature of their job is to act as liaison between the districts and the ESD. In this way, each district's needs are met in an individual fashion, and programs are tailored to the needs of that district.

The intervention specialists maintain responsibility for ensuring that all procedures and paper work are done in accordance with federal and state rules and regulations. This relieves the local school principal and superintendent of this burden and makes them more willing to cooperate in the program. In this sense, the intervention specialist is something of a consultant and something of a case manager for each section of Tillamook County. The intervention specialist constantly keeps the superintendent informed of what is going on in the special education programs, alerting him or her to any programs or to any future expenditures that will be needed.

Although the intervention specialists are regarded as being the key factor in achieving LRE, full implementation obviously depends on having a range of appropriate settings and services for handicapped children. The services now provided by the Tillamook ESD are as follows:

1. The ESD administers a series of learning resource centers and TMR classes. There are 23 of these centers and classes in the county. All of them are on the campuses of regular schools, and most of them are integrated with regular school programs; that is, children receive assistance both in the special classes and in regular classes.

2. As part of the P.L. 94-142 consortium project, the ESD administers (a) an instructional resource center, housed at the ESD, which provides materials to regular classroom and resource teachers; and (b) an evaluation program so that children can be assessed accurately and placements can be based on full knowledge of the child's condition. The evaluations are obtained from several sources under contract to the ESD. These include the Child Neurological Clinic in Portland; the School for the Blind in Salem; Pacific University which operates a visual and perceptual screening clinic also in Salem; and the Oregon Center for Speech and Hearing. Use of these specialized assessment resources has increased since 1979, as they have been found to be a valuable resource in understanding and assessing a child's condition.

It is unlikely that Tillamook would have made as much progress on LRE as it has if it had not had good relationships with its member districts. The manner in which programs are established at the ESD illustrates the relationship between the districts and the ESD. The ESD board, which is separate from the local school board, passes a resolution indicating which services it plans to provide with its regular funding from the state. This resolution is shown to all of the local district school boards which are then asked what additional services they believe the ESD could provide for them. The school boards then propose a list of services, and the ESD decides which of these they are able to provide with the P.L. 94-142 monies. Thus the use of P.L. 94-142 monies is in addition to the regular appropriation received from the state. Originally, the services which districts wanted were occupational and physical therapy and parent training. Over time, however, those two services have been put under the ongoing resolution and are provided with the general funds of

the ESD. Thus, with the P.L. 94-142 consortium project, the ESD has been able to develop still new services, which in turn extends the types of educational programs which the county can provide.

Several factors seem particularly important in implementing Tillamook's LRE plan. These include the following:

1. The close ties among superintendents have been important, and the superintendents have been involved in all steps of the policy-making process. The superintendents meet once every month and these meetings usually have full attendance. It is at these meetings that superintendents identify any difficulties they have with the ESD's programs and activities. Although there is occasionally disagreement among the superintendents, they have not yet had any problem which could not be worked out. Perhaps the most clear evidence of the school districts' satisfaction with the ESD's activities is that at any point, the school districts could withdraw their P.L. 94-142 funds from the consortium and provide their own services, but to date none have elected to do so.

2. The governance of the ESD consortium by resolution, rather than by individual contracts between the ESD and each of the districts, was an important factor in giving the ESD flexibility and authority to plan. Instead of being a mere provider of services for the districts, the ESD has full responsibility for the special education program, subject to its accountability to the districts.

3. The leadership at the ESD has remained an important factor. Both the special education director of the ESD and the assistant director have been there since the passage of P.L. 94-142. They both have a strong personal commitment to implementing the LRE provisions of the law, as well as to developing comprehensive services for handicapped children. In a district which was not at all sympathetic initially to special education, their leadership has resulted in what is today one of the most effective special education programs among rural districts in the state.

EFFECTS OF THE PROGRAM

The major effects of the LRE efforts of Tillamook County can be seen in the location of handicapped children within the district. A few children, all of them seriously emotionally disturbed or severely handicapped, are now educated in self-contained classrooms. The majority of other children receive their education in resource programs, but they are based in regular classrooms.

The implementation of LRE in Tillamook County has not been without some problems. The ESD has set up a special class in the central part of the county for seriously emotionally disturbed (SED) youngsters. This class was established because of pressure from the Tillamook Unified School District. The superintendent there and a number of elementary school principals believed that they could not effectively serve elementary SED children in the regular classrooms and they requested the ESD to establish a separate classroom. The ESD agreed, somewhat reluctantly. Their concern was that once these children are segregated in the elementary years, it will be very difficult to re-integrate them during the junior high school years. However, they agreed to pilot test this classroom because of the strong pressure placed on them by Tillamook Unified.

One of the most positive effects of the program has been increased efficiency for LEAs. While the six LEAs operate the basic special education programs, the consortium provides services to the severely handicapped. This combination has

allowed both parties -- the LEAs and the ESD -- to focus their efforts on one type of program.

Overall, the consensus among the Tillamook County superintendents is summed up in their statement: "We're spending dollars about as well as we can spend them." Further, the superintendents agree that children are being mainstreamed. In a rural district, where only four years ago no seriously handicapped children were served and EMR and TMR children were served only in special classrooms, progress has been considerable.

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APPENDIX H

CAPE COD REGIONAL TECHNICAL HIGH SCHOOL

CAPE COD, MASSACHUSETTS

STATE PROMOTION OF LOCAL JOINT FUNDING
FOR VOCATIONAL PROGRAMS

MASSACHUSETTS

SUMMARY

In 1980, the Massachusetts Department of Education made forty awards to local districts to help them establish local three-year joint programs to promote vocational services for handicapped students at the secondary level. A competitive bidding process was used to stimulate collaboration at the local level for handicapped students with vocational needs. One of the requirements for the award was that the local program must use both special education funds and Vocational Education entitlement funds. (See Volume 2 for a fuller description of the state effort.)

As a result of this seed money, local projects were initiated, most of which continue to operate. One of the successful programs that was developed in response to the RFP process, and is still in operation today using local funds, is the Cape Cod Regional Technical High School. Local special education and vocational education administrators responded to the RFP with a comprehensive plan designed to fulfill the following objectives on a collaborative basis:

- To initiate long-range planning for handicapped youth which includes academic, vocational and post high-school objectives;
- To provide as many vocational options as possible to special needs students within a flexible environment which permits smooth transition between regular and

special settings and which permits students to participate in regular settings as much as possible;

- To actively seek liaison with outside non-education agencies to coordinate work with handicapped adolescents.

The Cape Cod Regional Technical High School is part of Massachusetts' regional vocational educational network. Since receiving the state seed money, staff from the school have worked cooperatively with the Superintendents and Special Education Directors in the seven districts covered by the school to extend a full range of pre-vocational, vocational assessment, and vocational education programs for handicapped children (known as children with special needs in Massachusetts.) Nearly 25 percent of the students in Cape Cod Technical's regular vocational program have been identified as Special Needs students under Massachusetts State law, Chapter 766. Any handicapped child is a candidate for the program, but primary focus is on students in the eighth grade or above. One official describes the target population as "kids who would otherwise sit in a resource room and collect a diploma but with no saleable skills."

In addition, the school and its Regional Advisory Committee have developed two programs which have been designed to extend vocational education programs to the more severely handicapped school-age and adult population: "The Workplace" is an extended day program that provides concentrated skills training in specific occupational clusters; placement and supervision in job training slots; and job placement. The second special program, the Assessment Center, works with

local regular and special education staff to perform comprehensive vocational assessments for all students identified as special needs or where there is some evidence of handicap. These assessments, normally performed before students enter the eighth grade, are used (1) to identify appropriate vocational education programs for handicapped students as the basis for comprehensive long-range planning, and (2) to help education and other related services professionals adapt their services to capitalize on the handicapped students' identified strengths.

Prior to the opening of Cape Cod Technical High School, and the joint program developed in response to the state RFP, there was no vocational educational program available to handicapped students on the eastern end of the Cape. With limited employment opportunities available in the area, handicapped students were at a particular disadvantage. The small, rural school districts had limited staff and financial resources to develop special programs. The availability of funds through the State RFP were used by Tech staff, not only to extend their capacity to serve more severely handicapped students, but also to build a collaborative approach to serving this population. A primary result of the school's comprehensive approach to the special needs population on the Cape has been the development of strong collaboration among all local agencies serving the handicapped in the area, including the Massachusetts Rehabilitation Commission, the Department of Mental Health, the Department of Youth Services, and probation departments.

Without the seed money from the SEA, local officials maintain that they would not have been able to afford the initiation of this special program. As of September 1982, the three-year state grant of approximately $95,000 each year had ended. Since that time, these funds have been picked up by public and private tuition monies and the local private industry council.

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APPENDIX I

THE YOUTH INTERAGENCY ASSESSMENT CONSULTATION AND TREATMENT CLINIC

CONTRA COSTA COUNTY, CALIFORNIA

THE YOUTH INTERAGENCY ASSESSMENT AND CONSULTATION TEAM

CONTRA COSTA COUNTY, CALIFORNIA

SUMMARY

Contra Costa County, California, has created a youth Interagency Assessment Consultation and Treatment Clinic (YIACT) to provide intensive assessment and consultation services to multi-problem youth, including many youth eligible for special education services. Responsible to an interagency Youth Services Board, YIACT was designed to centralize the diagnostic and referral functions for high-risk youth to ensure that multiple county agency resources (special education, probation, mental health, and social services) would be targeted to youth most in need, and that duplication of services among agencies did not occur. Since its inception, YIACT has improved the assessments provided to troubled youth, has helped promote coordination of services among county agencies, and has begun to move toward more integrated case planning across agencies.

TARGET POPULATION

YIACT is designed to serve children and youth who are candidates for out-of-nome placement or who have been placed in one or more treatment programs which have not been successful for them. In all of these cases, there are usually questions as to the child's particular needs, and an interdisciplinary assessment is required to answer these.

Examples of the types of children and youth eligible for YIACT services include the following:

- Cases where multiple educational failures are indicative of the need for out-of-home placement or where the child is demonstrating continued educational difficulties, having already been placed in an out-of-home community placement.
- Youth in and out of probation custody or those who would have otherwise been referred to the 45-day court ordered diagnostic processes.
- Children in out-of-home placement made by the Children's Residential Placement Unit (CRPU) or the District Placement Units of the County Social Services Department (or who are expected to be difficult placement problems).

Approximately eighty-five percent of the children and youth served by YIACT have been adjudicated as delinquents. Their ages range from 4-21, although the average age is 14. Many of them are designated as handicapped students for special education programs, usually because of multiple handicaps or serious emotional disturbance. In any case, all of them share the need for multi-disciplinary services.

OBJECTIVES OF THE PROGRAM

The YIACT program was designed to provide needed multi-disciplinary plans for hard-to-serve youth. Specific objectives include:

(1) Providing appropriate assessment of medical, psychological, social and educational needs for referred children and adolescents;

(2) Matching the needs of the individual to be placed out-of-home with the appropriate facility;

(3) Enhancing the knowledge, skills, and abilities of the personnel involved in out-of-home placements (staff of local education agencies and the departments of Social Services, Probation, and Mental Health);

(4) Recommending to the Youth Services Board, through the Operational Committee of YIACT, interdepartmental policies and procedures relative to an effective and efficient out-of-home placement system.

DEVELOPMENT OF THE PROGRAM

In the late 1970's, the Contra Costa County Board of Supervisors created an interagency Youth Services Board (YSB) made up of the directors of the County Departments of Mental Health, Social Services, and Probation, as well as representatives from the local school district and the County Administrator's Office (CAO).* Led by senior staff of the CAO, the Board was charged with the task of "planning administering, and monitoring a comprehensive, coordinated out-of-home service delivery system" for Contra Costa youth.

The impetus for the YSB came from the problems experienced by all agencies with the escalating costs of out-of-home placements for troubled youth. County Supervisors and agency directors saw these services as extremely expensive, but in many cases ineffective. It was not atypical to have staff from one agency fail to make progress in a given case and, for lack of better options, refer the youth to another department in hopes that failure would not recur. In other cases, County officials felt that youth were "falling between the cracks" of agency services and not receiving appropriate care until it was too late. For these reasons the

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*The school district in Contra Costa County is headed by an independently elected Superintendent, but the County Board of Supervisors approves the education agency's budget.

Supervisors hoped to coordinate services more effectively so that placement attempts might be reduced and, when made, would be more successful.

The Youth Services Board was established as a policy-level group to address placement issues. Its members realized, however, that an operational entity was needed if better coordination of placements was to be achieved. YIACT was created as the assessment unit that would be the first step in an eventual comprehensive interdepartmental system of youth services. YIACT was to conduct assessments, provide placement and treatment recommendations, and follow-up consultation across departments. Funding for YIACT initially came from newly appropriated funds by the Board of Supervisors, with additional staff on loan from the County Department of Mental Health and the local school district.

IMPLEMENTATION

YIACT became operational in February, 1980. In its first years of operation, it struggled to define its role and to distinguish its responsibilities from those of other agencies. YIACT was faced with the task of becoming a credible resource for all of the county agencies so that (1) appropriate cases would be referred for assessment, and (2) agency staff would turn to YIACT for assistance in identifying needed resources.

Gradually, YIACT began assuming a clear place within the County service system. As YIACT succeeded in defining its goals more precisely, establishing operational procedures, and

proving that it was not duplicative of other County agencies, its services were utilized with increasing frequency. The County Mental Health and Social Services agencies proved particularly supportive, and Mental Health came to assume a greater portion of the YIACT budget.

The current YIACT staff are a team comprised of a psychiatrist, a clinical psychologist, and a clinical social worker, all provided by the County Department of Mental Health; and an education specialist whose position is supported by the local education agency. Secretarial support, rent, and office expenses are provided by the County Social Services Department. A team case manager is also hired to coordinate services for youth served by multiple agencies and to facilitate reentry into the community. The Probation Department also contributes toward miscellaneous expenses.

YIACT receives referrals from any county agency, with the primary referral sources being social workers, probation officers, and IEP teams. Criteria for referral are that:

- the child has already been through multiple placements;
- the child is likely to require services from more than one agency;
- the referring agency is willing to finance placement if necessary;
- all local resources known to the referring agency have been exhausted.

When a referral is received, the social worker makes the initial contact and the team determines whether an assessment is appropriate. If not, a brief consultation session is held,

with recommendations provided to the referring agency. If an assessment seems called for, the team gathers materials and past records for a preliminary staffing which is conducted by YIACT and the referring agency. If a full assessment still seems appropriate, staff make telephone calls regarding previous placements, and finally, conduct a full multi-disciplinary assessment. The assessment includes a psychiatric, psychological, psychosocial, and educational evaluation.

Following the assessment, a post-evaluation staffing is held in which the YIACT team develops treatment recommendations, which are then written up in a report. Follow-up consultation is provided to the treatment program(s) recommended, and follow-up evaluations are conducted at two-weeks post-placement and twelve weeks post-placement with the option of an on-site visit by the YIACT social worker.

Several examples of children served by YIACT illustrate how the program works and what it does.

- A county day treatment facility for emotionally disturbed students referred Gary, a twelve year old, to YIACT when he began exhibiting self-destructive and aggressive behavior in his classroom. YIACT was asked to determine the nature and severity of Gary's disturbance, and to assess whether he needed an out-of-home placement. YIACT team members conducted an extensive evaluation and recommended, given Gary's mother's strong resistence to a residential placement, a change in Gary's classroom teacher and intensive psychotherapy on an out-patient basis.

- Melanie, an eleven-year old girl who had been physically abused as a child and had a long history of foster-care placements, was referred to YIACT by the Department of Social Services when she began failing school and exhibiting increasingly violent behavior.

> Her social worker had asked whether she required institutional treatment. The YIACT assessment revealed that Melanie's behavior was shaped by fears of rejection. Becoming abusive in her language and violent in her behavior, Melanie thus "rejected" six foster families before they could reject her. The YIACT assessment also showed that her academic abilities were more limited than previously realized and she was placed in a special education class. YIACT staff consulted with Melanie's teacher, foster parents, and social worker for two years and her situation appeared to stabilize. A costly and traumatic institutional placement was avoided.

While evaluation and recommendations for treatment remain YIACT's primary function, the team performs two other roles as well. First, team members consult with teachers, social workers, and probation officers for approximately 15-20 children per week. Consultation is intended to make the expertise of the YIACT team available before a child is in crisis and in need of residential care. The second additional service provided by the team is interagency mediation. When there is a disagreement over which agency will pay for services for a child, YIACT may serve as a mediator by examining the resources of each agency and making a recommendation for resolution of the conflict. Although the team's recommendation is not binding, it is followed in the great majority of cases.

The operating budget for YIACT was approximately $150,000 in 1982. The Department of Social Services contributed approximately 17% of the budget; mental health contributed 56%; the education agency supported approximately 25% and the Probation Department added the remaining 2%.

EFFECTS OF THE PROGRAM

During the first two years of operation, ninety assessments were provided and approximately 79 hours of consultation were provided monthly to the county departments of Social Services, Mental Health, Probation, the Youth Services Board, LEAs, and the Regional Center for developmentally disabled children and youth.

Although YIACT staff do not believe their goals have yet been fully accomplished, several positive outcomes have resulted from the program. These include:

- Preventing the need for institutional placements. In a number of cases, YIACT has been able to prevent an out-of-home residential placement by marshalling the resources of several community agencies on behalf of troubled youth. Rather than allow the youth to get to the stage of being labeled "delinquent" and sent to a youth correctional facility, YIACT members have targeted community services that address his/her needs. Timely and comprehensive intervention has been effective in many cases.

- Meeting the multiple needs of troubled youth. Based on the belief that many youth in trouble benefit from multi-disciplinary assessments and treatment, YIACT has been successful in bringing multiple services to bear on individual problems. For example, by spending time with the family, staff can recommend family therapy when needed; by consulting with school personnel, they can make suggestions for changes in the school environment; etc. By looking at the total child and all facets of his/her environment, the YIACT team can recommend a range of services that are more likely in combination to yield results than would any single service.

- Reaching agreement on treatment plans. The structure of YIACT, with professionals from several different disciplines, maximizes the likelihood that its recommendations will be effective. When complex diagnostic and treatment issues exist, professionals often disagree. Therefore an open discussion is necessary and beneficial. Differing opinions are viewed as an important part of the recommendation process, leading

to more effective final plans. Through these discussions, territorial battles among agencies have abated.

Although cost data are not available, YIACT staff believe that their services are cost-effective. Because they do not have to support the overhead costs of an entire department, their operating budget is fairly low. The number of out-of-home placements prevented is thought to outweigh the operational costs of the team.

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APPENDIX J

BETTENDORF HIGH SCHOOL

BETTENDORF, IOWA

LRE

BETTENDORF, IOWA

SUMMARY

Bettendorf is a suburban community in central Iowa with a total school enrollment of approximately 4,800 students. The high school in the Bettendorf school district has pioneered an instructional program of "practical classes" which offers an additional level of services to fill the gap between resource classes and regular classes. The classes, staffed by special education and regular teachers, include handicapped students as well as students who are not handicapped but whose academic records show failure and/or academic difficulties.

These classes provide resource instruction in regular classes, thereby extending the continuum of services available and increasing the amount of time that handicapped students maintain contact with non-handicapped students. The philosophy behind the program is that special help should be provided in regular classes whenever possible, rather than taking students out of the classroom and serving them in separate resource rooms. At the same time, special instruction is extended to non-handicapped students who are not achieving minimum progress in regular classes.

TARGET POPULATION

This program focuses on a fairly narrow group of handicapped students: those who are mildly handicapped. The

LEA has entered into various agreements to have services provided to different groups outside the district. For example, severely emotionally disturbed and behavior impaired students, labeled "chronically disruptive" under Iowa regulations, are placed in one of two schools in near-by Davenport. TMR students are placed in neighboring high schools. Vocational services to all handicapped students are provided by the Mississippi Bend Area Education Agency, an intermediate education agency. Bettendorf thereby specializes its services by targeting special education and related services to MR and LD students whose handicaps are not severe.

Bettendorf is part of the "quad-cities" made up, in addition, of Davenport, Iowa, and Moline and Rock Island, Illinois. It is a suburban community of approximately 27,000 persons. Bettendorf High School was built in 1973 and expanded in 1979. It serves 1,800 students grades 9-12, most of whom are middle class caucausian; only a small number of black and southeast Asian students attend the school.

OBJECTIVES

The program of "practical classes" was developed to fill a gap between resource classes and regular classes. Its specific objective is to provide special education services to handicapped and "borderline" handicapped students in the least restrictive environment. The school district sought a means to provide resource instruction to students in regular class-

rooms rather than extracting students from regular classes to receive special help.

School officials also recognized the need to provide special instructional help to students who were having trouble in school but who were not labeled as handicapped. They wanted to provide extra help to these students without putting them into the special education system. In effect, they sought to expand their special education services to a wider population. In doing this, they saw a way to blur the rigid distinctions between the needs of handicapped students and those of non-handicapped students.

DEVELOPMENT OF THE POLICY

During the school year 1975-76, a regular classroom teacher was a team-leader of a ninth grade language arts class. She became concerned over a student who was failing English yet was not mentally retarded nor learning disabled. The teacher received approval from the principal to form a new ninth grade English class made up of 28 students, half of whom were diagnosed as MR or LD and half of whom were simply "slow learners."

Language arts curriculum materials were adapted and the class was taught by a team of two teachers: one special education resource teacher and one regular classroom teacher. Academic expectations were not related to grade level achievement but were individually referenced to the particular student's performance capabilities.

During this initial year, student achievement in the English class improved. Both teachers were very satisfied with the class; the special education teacher viewed it as an expansion of her professional opportunities. The practice spread during the next school year to tenth and eleventh grade "practical English" classes. As teachers in other subjects became interested in the success of the program, other classes were organized in social studies and history.

The school administrators saw the program as a valuable extension of their educational program. They agreed to incorporate the program into their instructional system. Since 1975, the LEA central administration, as well as Bettendorf's Principal and Vice Principal have remained committed to the goals embodied in the program.

IMPLEMENTATION OF THE POLICY

There are now two ninth grade and two tenth grade "practical" classes in Language Arts as well as several in American History and World History. In addition, special education teachers function as resource teachers for handicapped and non-handicapped students in several regular math classes. Students may enroll in "practical" courses and still pursue other regular curricular requirements.

The administrative design of the program is sufficiently flexible to foster easy movement into and out of practical classes. As an added level between resource rooms and regular classes, the goal is to facilitate movement between the two.

A student who may not be achieving minimum progress in regular classes can easily be reassigned to practical classes in certain subjects. Similarly, students enrolled in practical classes who cannot perform adequately there or whose behavior is disruptive, may be moved into resource rooms or special classes. Conversely, students in resource rooms may at some point be able to benefit from practical classes where they can interact with non-handicapped students, and students in practical classes move into regular classes when they are able.

The only problem in implementing this program at Bettendorf High School was a difficulty in working out the scheduling. Because regular and special education teachers must have schedules permitting them to team-teach together, careful attention to schedules was necessary. This problem was not serious, since the high school is fairly large and could generally accommodate a number of scheduling plans.

EFFECTS OF THE POLICY

School administrators note that one of the primary beneficial effects of the program has been to increase the time during which handicapped students have contact with non-handicapped students. The educational needs of mildly impaired children are met closer to the mainstream educational program. Administrators also note that the team-teaching concept has allowed special education teachers to help regular teachers individualize their instruction and thereby resolve

some of the learning problems of a greater number of children.

School staff report that parents are very supportive of the program. Bettendorf, in contrast to neighboring districts, has not been involved in any litigation regarding handicapped students. If anything, parents are reluctant to move their children out of practical classes and back into regular classes since they feel their children have experienced such success in the practical classes. School staff attribute much of the success of the program to the fact that they have been able to maintain good relationships with parents.

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APPENDIX K

LRE POLICIES

RIVERSIDE, CALIFORNIA

LRE

RIVERSIDE, CALIFORNIA

SUMMARY

The Riverside Unified School District in California has adopted a district-wide policy and taken a number of steps that address the goal of providing services in the least restrictive environment. Their approach is somewhat unique in that it attacks the problem of providing educaticnal services in the least restrictive environment on several fronts simultaneously, and is guided by a policy statement that reflects the district's commitment to serving children in the least restrictive environment.

To carry out this goal, the district established an LRE standing committee made up of top level staff, some of whom rotate on and off each year. This committee has taken the lead in changing district practices since it has support from the Board of Education and the Superintendent. Using the seven critical factors identified by the JWK Corporation as necesary to encourage LRE, the Committee developed a plan for implementing numerous strategies to promote the mandate of least restrictive environment. First, the committee decentralized IEP meetings to each school site rather than continue them at a central administration. It also created an Alternative Program Team (APT) at each school to systematically explore alternatives before placing a child in special education.

This committee also worked with the district Pupil Placement Committee (PPC) to review all special education placements to ensure that each handicapped child was served within his or her neighborhood school if possible, neighborhood cluster of schools, next in another regular school in the district, a special school in the district, and finally out-of-district if necessary. Physical structures on regular campuses were modified when necessary.

The LRE Committee has also sponsored several in-service workshops for administrators and teachers and even arranged for regular education administrators to exchange permanent positions with special education administrators. Regular education and special education teachers also exchanged positions for a day in order to better understand each other's functions. Non-handicapped students are used as "cadets" or helpers in special education classes, and parents are educated about the desirability of serving handicapped students with regular students through local PTA's.

Riverside maintains two separate schools for handicapped students. This is consistent with their philosophy that special schools should be part of a continuum of placements and may be the least restrictive environment that most appropriately meets the needs of some students. The enrollments are declining in each of these two schools, and one is primarily for pre-school children who often go on to first grade in a regular school.

TARGET POPULATION AND OBJECTIVES

The Riverside LRE policy is intended to assure that all handicapped students in the district receive a free appropriate public education in the least restrictive environment. This includes the most severely handicapped as well as more mildly handicapped students. The objectives of the policy are three:

- First, the district seeks to ensure that all handicapped students are placed in the least restrictive environment.
- Second, the district hopes to integrate regular education with special education. Officials see the distinction between the two types of education as somewhat artificial and hope to break down the barriers between the two so that handicapped students are served in conjunction with non-handicapped students and non-handicapped students benefit as well from aspects of special education.
- Third, the district seeks to heighten the level of understanding among administrators, teachers, parents and the general community about the benefit of serving handicapped children in close conjunction with non-handicapped students.

DEVELOPMENT OF THE POLICY

Following passage of P.L. 94-142, the California state education agency issued a policy statement on the least restrictive environment mandate. Incorporated into California law, it stated that "Public education must offer special assistance to exceptional individuals in a setting which promotes maximum interaction with the general school population and which is appropriate to the needs of both." The rationale underlying this principle is that children's similarities are more important than their differences and if

education is preparation for life, then normal and handicapped children are best prepared in environments where there are maximum opportunities for interaction and peer modeling. State officials felt that qualities of understanding, acceptance, cooperation and respect cannot develop if children are consistently isolated from each other in their formative years. Any child who can best grow emotionally, socially and academically in the regular classroom must, therefore, be provided with whatever assistance that child and teacher needs to facilitate that growth. In this context, the state policy indicated that the least restrictive environment should be viewed not as an "arbitrary rankings of settings," but as a variety of equally important options designed to meet the individual needs of a particular child.

Following the state lead, officials in the Riverside district recognized the need to develop their own policies in the area of least restrictive environment. The district has maintained a commitment to special education since before passage of P.L. 94-142. The special education budget in Riverside has always been fairly large, with fifty percent of the funding coming from the city itself. California state law in 1976 mandated each local education agency to maintain its level of funding from the previous year. At that time, Riverside was at a relatively high level of $1.5 million. They then had to maintain that level during subsequent years. The county special education budget is $90 million.

Education officials in Riverside decided to establish an organizational structure to facilitate services in the least restrictive environment. They formed an LRE standing committee made up of the Assistant Superintendent of Instruction, several principals, the Director of Special Education, the Director of Instructional Services, two individuals from the county office, the Superintendent, and the President of the Board of Education. The composition of this committee has since been modified as several members rotate on and off each year.

The standing committee hoped to first educate themselves about the least restrictive environment mandate. They attended a state workshop on the subject of the least restrictive environment that was jointly conducted by the JWK Corporation which had produced a report on seven critical factors necessary to promote the least restrictive environment mandate. Over the course of the year, Riverside officials developed a policy statement articulating their own approach to meeting the mandate of the least restrictive environment.

This position statement made it clear that the Riverside Unified School District is committed to providing an instructional program for special education students that equals the quality of instruction provided to non-handicapped students. The instruction is selected from a continuum of service alternatives determined individually to meet the needs of the students. The statement further notes that "Handicapped students shall be educated to the maximum extent

possible with students who are not handicapped. Placements in special classes or centers or any other removal of handicapped students from the regular education environment shall occur only when the nature or severity of the handicap is such that education in regular classes, even with the assistance of supplementary support, cannot be achieved."

Inherent in this philosophy is the premise that a certain handicapping condition does not determine placement. Rather, an appropriate placement may be chosen from the continuum of regular and special education services. The policy statement also reflects the fact that the LEA considers it appropriate, even important, to include special schools and out-of-district placements in state facilities and private schools as part of its continuum of available placements.

The committee recognized that its commitment to providing services in the least restrictive environment must be an ongoing one and could not be accomplished in a single action. Thus they established the committee as a permanent entity with rotating memberships. They also acknowledged the danger of "dumping" handicapped students back into regular schools in ways that might be harmful to the students. To avoid this, they planned for an incremental approach divided into two phases. Perhaps most importantly, the committee recognized that its commitment to LRE would have to involve a series of steps to attack the problem on several levels. They knew they had to win the support of administrators, superintendents, principals as well as teachers, parents and

students themselves and the community at large. Members agreed that this would require a series of actions if fundamental change was to be achieved.

The first action taken by the LRE standing committee was to produce a draft plan for the school district which outlined a series of strategies designed to lead to successful implementation of the LRE mandate. For each of the seven JWK factors, the committee identified multiple strategies to achieve implementation in that area. They also identified personnel to be responsible for the strategy and a time line for carrying each one out.

Throughout the development of this plan the district had extensive support from top level administrators. By insuring their participation on the LRE standing committee, the committee made sure the Superintendent and Assistant Superintendent became knowledgeable about the goal of providing services in the least restrictive environment as well as willing participants in carrying out the tasks identified for the district.

In addition to the LRE standing committee, district officials recognized the need to collaborate with other agencies and professionals in order to insure that students served by multiple agencies did not "fall between the cracks." The Riverside Unified District along with Riverside County established a Dual Diagnostic Committee (informally called the "fuzzy" committee) for cases where the responsibility for a particular child remains fuzzy. This committee is made up of

representatives from the school district, the California regional center, the mental health agency, the county social service department and the local probation department. It was recognized that decisions concerning the least restrictive environment for a given child may have to involve other professionals and thus the Dual Diagnostic Committee was established for children served by more than one agency.

IMPLEMENTATION

The LRE Committee used the seven JWK factors as the basis for its operational plan. The implementation strategies are desribed below in terms of these seven factors.

The first area identified in the plan and pursued by the LRE committee was the goal of garnishing support for the concept of LRE. To do this, members developed and showed to the Board of Education and other administrators an audio-visual presentation which defined the major concepts of LRE. The committee also scheduled visits for administrators and board members to visit regular schools with special education classes.

The second factor identified by the committee concerned the delivery of services. They first developed a Pupil Placement Committee in the district whose charge was to study appropriate student placements. They examined through their computer system the handicapping condition and needs of each student. Members of the Pupil Placement Committee examined the buildings and schedules in each building; they compared

students' current placements with what might be considered a less restrictive environment in the student's home school; and they identified a list of students who could best be served on a regular campus.

The criteria used by the Pupil Placement Committee was to first decide whether a student could be served in his home school; if not, they would ask whether the student could be served in his or her neighborhood clusters of schools; if not, they would explore whether the student could be served in another school in the district; and finally, they questioned whether the student needed an out-of-district placement. The administration also at this time decentralized the IEP process so that IEP meetings were held at each school rather than at a central location. An Alternative Program Team (APT) was established in each school for initial referrals to special education. The team would meet to identify alternatives such as the Title 1 program, English As A Second Language program, a school improvement program, or remedial classes before placing a student in a special education program.

The district accomplished a whole-scale review of placements for all handicapped children and came up with significant modifications such as establishing new classes for handicapped students on regular education campuses where none had previously existed. Each school was then responsible under its principal to create environments where handicapped and non-handicapped students could interact. These include music, art, assemblies, PE, and library time. Principals and

teachers were also responsible for scheduling classes to facilitate the inclusion of handicapped students into the mainstream environment. The Assistant Superintendent was charged with the responsibility to alter existing facilities as necessary and the LRE committee educated teachers and principals regarding the need to redesign or modify equipment to enable use by handicapped students.

Specialized classes for physically disabled students were set up on regular campuses K-12 and classes for seriously emotionally disturbed students were established at the elementary and middle school levels. An itinerant program was in place for students with visual difficulties. All materials were brailled or typed in large print at a central office and distributed to students who attended regular schools.

The third factor pursued by the committee involved the assignment of personnel and allocation of materials. The special education department became responsible for providing materials and/or equipment for handicapped students to use in regular classrooms. Instructional aides were provided to support students while in regular classrooms. Special education consultants provided assistance to regular education teachers to help them accommodate the needs of the special education students placed in the regular classroom. Whenever possible, teachers with dual certification, that is, certification in special education and regular education, were used.

The committee also recognized that a host of support services would be necessary to facilitate the transition for

some handicapped students into less restrictive environments. Building-based personnel, itinerant personnel, and consultants were used to provide related services to handicapped students.

The fourth factor is staff development. After conducting a needs assessment, the LRE Committee established a task force with teachers and administrators for planning and implementing Special Education and LRE in-services. The task force provided in-service training sessions to teachers and administrators regarding the goal of LRE and strategies for fulfilling that goal in Riverside. One of the main points stressed at the in-service meetings was the distinction between least restrictive environment and mainstreaming. The task force felt that it was extremely important to distinguish the two by viewing least restrictive environment as a much broader mandate within which mainstreaming was one element.

The fifth factor is acceptance within the school. Another way to view this is the linkage between regular education and special education. Several strategies were adopted to foster this link. First the committee working with the Director of Personnel in the district engineered transfers among principals so that a principal of a special school for handicapped students would take a job for several years as a principal at a regular school and vice versa. A teacher exchange day was established where regular education teachers and special education teachers would exchange positions for a day. For students, similiar exchanges were undertaken at "Skills Day." Further, a system was established for regular

and special education teachers to share instructional materials. The Committee also arranged for special education teachers with the aide of deaf and hearing-impaired students to provide a course in sign language for regular education teachers and students.

In order to further foster acceptance of special education students on regular education campuses, several strategies were pursued. A buddy system was organized to provide academic and social activities for handicapped students with their non-handicapped peers when they are first relocated onto a regular campus. Special education students were represented on the student councils of middle schools and high schools. On the premise that "kids are the best PR" for handicapped students, some schools adopted a program whereby regular education students would serve as "cadets" or helpers in special education classes on their campus.

Teachers of handicapped students often take the handicapped student into a regular class such as music or art to talk with the non-handicapped students about the particular handicap. For example, Carla, a student with cerebral palsy in a junior high school was taken into an art class on the first day with her special education teacher and the regular education students asked her questions about her handicap. Carla and her teacher told the students that she had been in an accident where she almost drowned and as a result had some brain damage and now has cerebral palsy. The students in the class asked questions such as "How long were you under water?"

and seemed to accept her better once they understood a little more about her handicapping condition.

Another project adopted in the schools, called Project Lead, was instituted to help regular education students experience handicapping conditions. Leaders such as student council representatives participate in activities such as walking around campus blindfolded or using a wheelchair so that they better understand the experience of a handicapped student. Finally, the district received a grant from the National Charity League to acquire "The Kids on the Block" puppet show which uses handicapped puppets as a way of showing non-handicapped students how handicapped students are just like them. The district obtained a $3,000 - $4,000 grant to train district personnel to use the puppet show. They plan to use it in every regular school in the district in the coming year.

All of these activities were designed to increase the acceptance of non-handicapped students on regular campuses. This was not always easy, however. In one case, one principal reports that a handicapped child who first came to a regular campus was passing in the halls at the same time that the rest of the student body was. Because he had a mobility problem, he was inadvertently knocked down one day and he overheard a comment by a non-handicapped student saying "I guess you were just in the wrong place at the wrong time." The handicapped student felt very badly about it and expressed reservations about being at a regular school but since then has worked out

such problems and is now able to get around better.

One administrator noticed that the most difficult student to be mainstreamed was the seriously emotionally disturbed student because he or she had no visible handicap. It was felt that students with more physical handicaps could be accepted more easily into a regular school but those with an emotional disturbance had more difficulty being accepted by non-handicapped students.

The sixth factor acted on by the committee was that of community acceptance. Committee members continue to share information about special education programs with the community. They have invited community business leaders to tour the special education programs in the district and they participated in a community arts festival for handicapped students.

The final factor is parental acceptance. The district advisory committee made up of parents was used as a primary vehicle to educate parents on the desirability of serving handicapped students as close to their home school as possible. PTA meetings were also used for this purpose.

EFFECTS OF THE POLICY

The Riverside Unified School District is recognized by the California SEA as an exemplary program in the area of LRE. Riverside staff were asked to preside at a state workshop to provide technical assistance to other districts within

California regarding the least restrictive environment mandate.

The most visible effect of the new policies is that there are more special education classes on regular school campuses. There are many more children who previously attended one of the two special education schools in the district who are now being served on a regular campus. The enrollments in the two special schools have decreased considerably. In the one school which serves younger handicapped students, the enrollment has dropped from 120 students to 66 students in three years. Fifty of the 66 students are pre-school, age 3-5, most of whom will return to a regular school in first grade. The second special school which is for older handicapped students, age 10-21, has decreased from an enrollment of over a hundred to 88 students and is still declining. One official projected that these two schools might be combined and further diminished in the near future. However, one of the problems with decreasing the enrollment of these schools further is that officials believe the two schools would then become more restrictive because only the very severely handicapped -- primarily multiply handicapped children in wheelchairs -- would remain. Right now the fact that there are some children with less visible handicaps makes the schools less restrictive.

For students, the effect of the LRE policies has been increased interaction with non-handicapped students. For administrators, the policy has made program management easier.

Because of the policy statement adopted by the district, there is now a basis for placement decisions. The director of special education finds that other administrators and teachers more willingly agree to keep a handicapped student in his home school because of the written policy to that effect.

District education officials feels that the cumulative effects of the multiple strategies they have adopted have been positive. They now recognize that only by attacking the issue of least restrictive environment on multiple fronts simulantaneously have they been able to achieve changes in attitudes on the part of administrators, teachers, students and parents.

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APPENDIX L

List of Contact Persons for Sites Not Documented in an Appendix

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Maryland Department of Education	Mr. Richard Steinke, Director Division of Special Education Maryland State Department of Education 200 West Baltimore Street Baltimore, Maryland 21201
Florida Department of Education	Dr. Wendy Cullar, Director Bureau of Education for Exceptional Students State Department of Education 319 Knott Building Tallahassee, Florida 32304
Miami Unified School District	Dr. Wylamerle Marshall Exceptional Student Education Dade County Public Schools 1410 N.E. Second Avenue Miami, Florida 33132
Gwinnett County Public Schools	Dr. Michael Weinroth Assistant Director of Special Education Gwinnett County Schools 950 McElvaney Lane Lawrenceville, Georgia 30245
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